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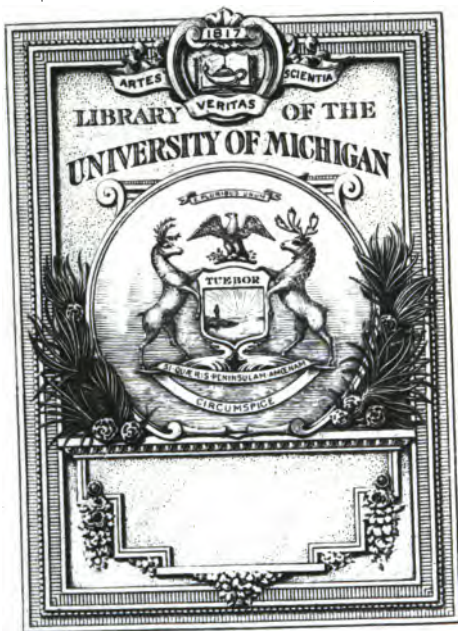
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Charles the Bold, Duke of Burgundy.
Painting by Roger van der Weyden.

HISTORY

OF THE

GERMAN PEOPLE

**FROM THE FIRST AUTHENTIC
ANNALS TO THE PRESENT TIME**

VOLUME THREE
**Political Development of the
Renaissance, 1256-1519**

Edited by
EDWARD S. ELLIS, A.M.
and
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CHAPTER I

THE PERIOD OF MISRULE

WHEN Konrad IV, the last of the Hohenstaufen emperors, died in 1254, the twilight of the chaotic darkness, known as the "Great Interregnum," had settled over distracted Germany. It was soon to be followed by the midnight of disorder, outrage, bloodshed and crime, when it seemed that the hand of every man was turned against his brother and peace had fled from the earth.

Before taking up in detail the story of the Interregnum, let us summarize the events of the tempestuous years which immediately preceded it. We shall have to travel over portions of the highway that have already been traversed, but this seems necessary in order to attain a clear understanding of one of the most woful periods in the history of human civilization.

We recall that the line of Hohenstaufen emperors opened with Konrad III in 1138, and was followed in 1152 by the great Frederick Barbarossa; in 1190, by Henry VI; in 1197, by Philip; in 1208,

by Otto IV; in 1215, by Frederick II, terminating with Konrad IV in 1250.

It was on September 28, 1197, that Henry VI, the proudest and most despotic of monarchs, passed away at Messina, a victim of the treacherous Italian climate. He died at the age of thirty-eight, when it looked as if he was on the verge of founding a world empire. "His premature death," wrote a great chronicler, "must always be mourned by the German people and all men of Germania, for he had rendered them distinguished through the wealth of foreign countries, had made all nations fear him and his valor and had shown that Germany doubtless would have surpassed other peoples if death had not overtaken him."

No catastrophe in German history was so complete as this one, and never was one followed by so disastrous a period of decline and disintegration of all powers attained by the stupendous monarchy.

Henry himself while lying on his deathbed had foreseen the imminent overturning. He was afraid of the princes and wished to save Sicily for his son and to secure to him the protection of the papacy. The German knights who were near him suppressed his will, believing they could hold the Hohenstaufen banner aloft without asking assistance from the pope.

Fear of an overwhelming disaster chilled the whole world after the emperor's death—a great

dread for some and an apparent relief for others. Henry's brother Philip was the first to receive the tidings. He was on the eve of starting for Lower Italy, to bring his little nephew Frederick Roger to Germany for the royal coronation, when the sad news reached him and he hastily returned.

Besides Philip, there was Otto, another brother of Henry, who had inherited the estates of his mother Beatrice. He was inclined to wildness and looked upon as unfit to fill any public office. Konrad resembled him. He was another brother of Henry whom the emperor had invested with the duchy of Suabia in 1191. He was killed five years later in an expedition against the Duke of Zähringia, while attempting to assault a woman near Durlach. Thus Philip, who was by far the superior of his brothers, became Duke of Suabia. The excellent chronicler Burchard of Ursperg characterized him as follows: "He is a man of soft nature, mild, friendly, liberal; of tender body, serene spirit, blond hair; of mediocre size and tall."

This admirable man was to defend the cause of the scarcely three-year-old boy, Frederick.

The friends of the Hohenstaufens were now separated from each other and isolated at three different places. First, in the Orient, where the excellent Chancellor Konrad induced all Crusaders and many important princes to take the oath of loyalty to King Frederick. Second, in Lower Italy.

Third, in Germany, where the Suabians, the majority of the ecclesiastical and some of the worldly princes, were in sympathy with the Hohenstaufens. Soon many, opponents arose, led by Adolf, Archbishop of Cologne. He, as well as the Archbishop of Trier and the Bishop of Strasburg, strove to free themselves from King Frederick. They met at Andernach on Christmas, 1197, consulted as to who should be elected, whether the Ascanian Bernard of Saxony or Bertold V of Zähringia, and called a new meeting regarding the election, to be held at Cologne in March, 1198. This gathering was by no means a marked success. Only the Zähringian princes appeared. Bernard kept clear of the party. The English king, who had been invited as a feudal prince of the empire, was represented by bishops and numerous worldly lords. They were to make propaganda for Henry, the Welfic palgrave of the Rhine, who was, however, in the Orient. Philip was urged to move rigorously in behalf of his own election, since there was need of a real king. But such a course, though it seemed necessary, would be contrary to good taste and precedent. Moreover, there was an uncertainty as to the stand of those in the Orient. Philip could not fulfill the demands of the princes. On the day the meeting was to be held at Cologne, he called another at Mühlhausen in Thuringia, which was largely attended. Besides many ecclesiastical and

worldly lords, there were also present the Dukes Louis I of Bavaria (1183-1231), and Bernard of Saxony. Here Philip was declared to be the "protector of the empire and of Sicily, and defender of King Frederick." Yet two days later, on March 8, he yielded and accepted the election for king. His opponents were still at Cologne, and learning of Philip's election promptly chose Duke Bertold of Zähringia.

He was a prosperous landowner and a wealthy prince, with little interest in state affairs, fond of music and of merrymaking. Persistent urging induced him to accept his election, after promising 1700 marks of silver to his electors, and giving two nephews to them as hostages. He then journeyed to Andernach, where the election was to take place.

While returning homeward, he sorely regretted his course. He was in this mood when Suabian lords who were mediators of Philip met him. Little persuasion was needed to induce him to give up the scheme of becoming king, and join the supporters of Philip. The latter invested him with Schaffhausen and Hohenstaufen Breisach.

After Bertold had left them, the princes assembled at Andernach nominated another Welf, Otto IV, a younger brother of the Rhenish palgrave. He was reared among the English-French feuds on the Seine and Garonne, and was French rather than German. His English relatives had

made him Count of Poitou, while he had to divide his Welfic-Saxon domestic estates with another brother of his named William.

Otto came to Germany, where he was elected June 9, 1198. On the 12th of July, Archbishop Adolf of Aachen crowned him. Philip was similarly honored September 8, by another archbishop of the empire. Haimo of Tarantoise in Burgundy, the Archbishop of Mainz, had not yet returned. The civil war which now arose was not universal, and many a province was not even touched by it.

The disturbance was carried on chiefly by granting territory to the assistants. The imperial princes wavered from one party to the other. Philip was assisted by the majority of princes and ministers, while Otto's chief aid was Archbishop Adolf and his city, Cologne. This war greatly benefited not only the princes, but the citizens of the empire, since the two kings abolished many tolls and taxes.

It also benefited the Church by its strife for supremacy over all worldliness, and a new pope was chosen, Celestinus III (1191), who was succeeded by Innocent III in 1198.

Innocent was thirty-seven years old, and filled with the hierarchic spirit of Gregory VII. "Broad-minded and cunning," said the medieval biographer of this pope. He not only wished to influence the bearer of the crown, as he had influenced Henry IV, but had many other aims. Germany and France

were the richest countries after Italy, but all three cared little about pope or Church. In Italy, devotion was never zealous and universal. The other two nations have since the twelfth century thrown themselves into the arms of "Dame World." While there still was many a pious knight it availed nothing, since all the financial aid came to Rome from England, Aargau and Scandinavia. The foundation of obedience, the whole medieval secular system, was weak and the respect of the hierarchy was gone. Many opposed the Church but not the doctrines of Christ; they fought against younger institutions and the new doctrines of the Church. All these immense difficulties the new pope had to face and combat.

Pope Innocent began his herculean task with the claims on estates and privileges in Lower and Middle Italy, as Emperor Henry had clearly foreseen on his deathbed would be necessary. Innocent succeeded in gaining control of the city of Rome, and expelled the Knights of Urslingen and Annweiler, or as the pope put it, he "recuperated" Spoleto, the March Ancona, and the Romagua. Towards the end of 1198, Empress Beatrice died, after choosing the pope as guardian of the young King Frederick of Sicily, thus recognizing the pope as her feudal lord.

In the struggle over the throne, Innocent did not as yet participate. Otto IV was ready to acknowl-

edge him as supreme judge if he would pronounce Philip's selection illegal. The Hohenstaufens, on the other hand, advised the pope to undertake nothing against Philip, whom they would soon bring to Rome to be crowned.

The German election of Frederick II was of no avail, since he was only a child. Philip's election was legal, and he was in addition the greater of the two, but he "sprang from the race of persecutors" and could, if recognized, easily make the throne subject to inheritance. Otto came from a friendly family and deserved apostolic favor, despite the weakness of his election and his adherents. The friendship of the Welfs for the popes was blamable, just as was that of the Hohenstaufens, but it is interesting to observe the Roman maxims regarding them, which seem established and traditional. In the spring of 1201, Innocent openly joined Otto, who made concessions to him which were laid down in the treaty of Neuss, where Otto met the papal legates on June 2, 1201. The German empire was to renounce the "recuperations" and recognize the papal rule over Lower Italy and Sicily. Soon after the Legate Guido of Præneste excommunicated "duke" Philip and proclaimed Otto legal king, chosen in accordance with the papal decision. Only a few forsook Philip and we note again that excommunication had lost its political force. At the diet of Nürnberg (1202),

Philip met a great many ecclesiastical princes, the Dukes of Zähringia, Saxony, Austria and the Duke of Andex-Merau, the Thuringian Landgrave Herman and numerous margraves.

Meanwhile, Philip maintained supremacy, and in Sicily the German knights also held themselves faithful. Otto won a valuable aid in the Danish king Canute IV, by bestowing many German privileges upon him. He had controlled Pomerania and Mecklenburg since 1188, defeated Count Adolf III of Holstein, which was ceded to him, and conquered Lübeck and Hamburg. Otto entered into an alliance with him, his brother and successor, Waldemar II (1202-41), acknowledging all the conquests, thus giving up in his distress everything his ancestors had won for their duchy and Germany.

But the more foreign aids he gained, the more did he lose of his dignity. He did something, however, which was of great advantage, and which was brought about by an event that pleasantly stirred up the whole Occident. French Crusaders, who hired Venetian ships, but could not pay for them, were employed by Venetian statesmen to conquer Dalmatian-Greek Zara for Venice, and to make the latter maritime city the sole mistress of the commerce in the Ægean and the Black Sea. In this enterprise Philip participated, in behalf of his brother-in-law Alexios, a son of the dethroned Isaac Angelos. The undertaking met with success;

the Venetians and Crusaders occupied the Greek capital July 17, 1203, and made both the imprisoned King Isaac Angelos and his son, Alexios IV, rulers of the empire. The relatives of Philip did not recognize this change and in May, 1204, founded the "Latin Empire" (which lasted till 1261), on the Bosphorus. This great change in the East, Innocent desired to make available for the Roman Church. This he could more easily accomplish through Philip than through the inferior North German Otto.

Innocent joined Philip secretly because of Otto and the Lombards. Then the memorable plan arose of wedding one of the little daughters of Philip to a nephew of the pope, and investing the nephew with the "recuperations." In Germany all the princes, and even Otto's brother, the Rhenish Palsgrave, and later Adolf of Cologne, joined Philip. He was crowned for a second time, now at Aachen by Archbishop Adolf, on January 6, 1205. On Easter, 1207, Philip entered the city of Cologne triumphantly. Otto went to his alien friends, to Waldemar, and then to Britain. Meanwhile, Innocent made an agreement with Diepold in Lower Italy, according to which he was acknowledged as supreme guardian of Frederick and the empire. Universal peace seemed to have come. In August, 1207, Philip was absolved from the papal ban, and Innocent brought about an armistice with Otto,

that was to last until the summer of 1208. The Welf would not yield without battle and returned. Philip was about to proceed against Otto when he was assassinated by Palsgrave Otto of Wittelsbach, at Bamberg, on the 21st of June, 1208. The cause of this crime has never been definitely ascertained.

Philip was buried at Bamberg. Later on, Frederick II removed his body to Speyer.

Otto was now sole ruler. After the crime of Bamberg he was generally recognized and no other kings were elected. The Hohenstaufens were victorious and held the fruits of their success, for they did not yield to Otto, but rather forced him to yield to them. Konrad, Bishop of Speyer, gave Otto the imperial insignia and became Chancellor of State. At the diet of Frankfort (November 11), he betrothed the child Beatrice, the oldest daughter of Philip, to Otto, whereby he could take possession of the Hohenstaufen domestic estates in Suabia. After the diet, Otto went thither, established public peace and at the diet of Augsburg outlawed Otto of Wittelsbach, who was seized in 1209, near Regensburg. He was beheaded and his head was thrown into the Danube.

Innocent was glad to deal with Otto "from the friendly family of the Welfs," rather than with Philip. In March, 1209, a treaty was concluded, whereby Otto granted immense concessions to the pope: free election of the ecclesiastical princes by

the various chapters, (thus giving up the Concordat of Worms), cession of recuperations, and of the Mathildian estates, the defense of Sicily and Lower Italy in behalf of the holy see, and finally, assistance in the persecution of heretics. On Whitsuntide, 1209, Otto was publicly betrothed to Beatrice at Wünzburg. In the following summer he went to Italy with a strong and well-equipped army. He was crowned as emperor in October, in the Church of St. Peter.

Otto took up the Hohenstaufen claims in Italy; made Diepold Duke of Spoleto, and in 1210, assumed possession of the Mathildian estates. He then went to Lower Italy and, aided by German rulers and the fleet of Pisa, occupied Capua, Naples and Salerno. The times of Henry VI seemed to have returned, with the only difference that the Welf carried on Hohenstaufic politics against Frederick II, that is against his papal guardian. Yet Innocent was in possession of the written treaty of March, 1209. He was notified that it was no longer in force, since no prince was witness and the crown was dependent upon the will of the princes. In November, 1210, the pope excommunicated the Welf and demanded that Germany recognize Frederick II as her king.

No sooner had Innocent shown the "child of Apulia" to the German than the power of the Welf began to wane. All Hohenstaufic policy once more

centred its hatred upon Otto. The charm of the memory of Frederick's ancestors, his half-mysterious youth in the far-off South and the prophecies regarding his name, began to fill the people's minds.

Frederick was not entirely forgotten. The German knights in Apulia and Sicily stood in friendly relation to Germany, and in 1210, the Suabian monastery Thenenbach (in the Black Forest, near Freiburg) and Salem asked Sicily to sanction them.

It is tragic to observe how all forsook Otto in behalf of the foreign, un-German boy. The Dukes of Austria and Bavaria, the King of Bohemia and the Landgrave of Thuringia openly sided with Frederick. At a diet in Nürnberg, he was elected king for a second time, and two Suabian noblemen, Henry of Neuffen and Anselm of Justingen, were dispatched to bring him from Italy. Otto returned to Germany in March, 1212. He tried to win new friends and to increase the number of his old ones. His marriage with Beatrice, the heiress of Philip, soon took place, but had no effect upon the situation. In August, the news spread through the empire that Beatrice had died and that Frederick had landed on German soil.

The diet of Nürnberg with its momentous decision seemed like a dream of strange adventure. To him who was brought up in a Norman-Italian-Saracen civilization, the Germans were a foreign, northern people; and his Sicilians had warned him

against German infidelity. But he plunged into the adventures and only thus did he save his monarchy against the victorious Welf, who now was forced to return.

In the beginning of 1212, Frederick called himself the chosen Roman emperor and, with the understanding of Pope Innocent, his son Henry was crowned king of Sicily. He then left his wife, Constance of Aragon, at Palermo and embarked in the middle of March. On his way he took the oath of allegiance before Innocent. Landing at Genoa, he crossed the Brenner and went up the valley of the Rhine. Thus did the Sicilian gain the first impression of the land of his forefathers. He soon reached Suabia, which was most agreeable to his purpose, but at the same time, very dangerous. When he arrived at Constance, he was received joyfully, and Otto did not succeed in capturing him because the city had closed its gates. Frederick's safety depended upon a few hours. Along the Rhine, by way of Basel, he strove to reach the Hohenstaufic possessions in Alsace. The number of noblemen that came to meet him rapidly increased. Once more Otto tried to capture him, near Breisach, but mutiny broke out among his soldiers and the emperor was obliged to take to flight, with the remainder of his army. After this incident, Bertold of Zähringia also joined Frederick, who went to Hageman, the favorite Hohenstaufic castle.

Unable to prevent this, the disgraced Otto withdrew along the right bank of the Rhine.

Some of the knights, and among them one frequently mentioned, Walter von der Vogelweide, did not side with Frederick, quite unlike all the bishops. Konrad of Speyer joined Frederick and became his chancellor. A treaty with Philip August of France, whom Frederick met at Vaucouleurs, increased his treasury by 20,000 marks of silver. In December, 1212, he was again elected, at the diet of Frankfort. A few days later, he was crowned at Mainz, by Archbishop Siegfried of Eppenstein. Towards Innocent he showed himself grateful. In July, 1213, Frederick acknowledged all the concessions of Otto made in March, 1209, in the Hohenstaufic castle at Eger, which was founded in 1180. Innocent took care that the princes should be present on this occasion. For the first time in history we meet with so-called *Willebriefe*, that is, documents signed by the princes, acknowledging the decisions of the crown. The Concordat of Worms recuperations and the Mathildian estates were given up by the empire (1213).

Forsaken by all except his Welfic-Saxons, Otto went to Flanders. On July 27, he and his ally, John of England, were defeated in the bloody battle of Bouvines, by Philip August of France who sent the imperial eagle captured from Otto to Frederick. Thus, symbolically and virtually, Otto's empire

closed. In December, 1214, Frederick invested the Danish king Waldemar with the territory he had conquered north of the Elbe and Elde (Holstein, Mecklenburg and Pomerania). This was a disastrous blow to the future development of Germany towards the north and northwest. Providentially the act was unexpectedly annulled.

On July 26, 1215, Frederick was again crowned, and then considered the whole empire as gained for himself. He had to admit that the Welf had the imperial insignia with him, but Otto lived as a harmless man at Brunswick and on his adjacent Welfic estates. During the coronation, he promised a Crusade, but had to postpone it, for many weighty reasons. He had his son Henry brought to Germany and made him Duke of Suabia.

It was necessary for Frederick to win the princes to his plans, especially the ecclesiastical ones, who were greater in number. This he succeeded in doing by granting many privileges, for his reign in Germany was used only to aid his Sicilian purpose,—a fact that was most regrettable. It was due, however, to Frederick's education, to his personal taste which made him look upon the German land as a frosty, alien country, and finally to the absolutism of the Norman monarchy.

To him, German imperial power was only a remnant of ruins of which he made use and out of which he did not believe it possible to reconstruct a

new edifice. He considered the great plan of unification of Henry VI as dangerous to Sicily. German national evolution was not delayed by the lofty imperial policy of Frederick I and Henry VI, as has been believed for a long time. On the contrary, it gave full national strength to the Germans and led them to make use of foreign means. Out of a previous state of nothingness a rich, manifold German culture of life has been created which is proud of itself. The disastrous end of the Hohenstaufens was due to a great extent to Frederick's interest in his Sicilian home and monarchy but, after all, it was the premature death of Henry VI which was responsible for what followed. On May 11, 1216, Frederick renounced the privilege of the regalia for the sake of the ecclesiastical princes, an act which, like many others, caused a postponement of his plans. But the time drew near when his desire to return to Sicily was to be fulfilled. On the 26th of December, 1220, he granted full power to the ecclesiastical princes, thus showing his gratitude towards them for the election of his son Henry VII, at Frankfort, in April, 1220.

In February, 1218, Bertold of Zähringia died without leaving children. Thus disappeared from German history the main branch of a family which since the Salian dynasty played a most important part in the history of the empire, one which was not interrupted like the Welfic family, to be revived

by a female offspring and compared to which the Hohenstaufens were only upstarts.

On the 19th of May of the same year, Otto IV died in his castle on the Harz. The Welfic allodium remained with the Agnates, yet they soon handed over to Frederick the real, imperial insignia without any sign of opposition.

The Archbishop of Cologne, Engelbert of Berg, and the Chancellor Konrad of Speyer were to rule in the name of the young king, since Frederick had gone to Italy in the summer of 1220. Frederick was crowned as emperor by Honorius November 22, and went farther south to rule personally the kingdom of Sicily. The pope was attached to Frederick because of the Crusade although, or because, it was postponed from day to day. At last a treaty was made in 1225, at San Germano, according to which Frederick was to undertake the Crusade on or before August, 1227, or be excommunicated. He also granted the holy see full power to proceed against the heretics.

The first period of the imperial stay in Sicily lasted for fifteen years and was interrupted by Frederick's Crusade.

In 1218, the Frisians, Low Germans and people from the regions near the Lower Rhine, in conjunction with the knights of Jerusalem, undertook an expedition against Damietta, which lay near the easternmost mouth of the Nile delta, and was the

key to Egypt. In 1221, they were forced to enter into a disgraceful peace with Sultan el Kamil, which only a crowned head of Christianity—Frederick II was meant—could overthrow. Frederick and el Kamil stood in friendly relation to each other.

In 1223, Frederick became engaged to the heiress of Jerusalem, Isabella or Jolanthe. Her mother Maria Jolanthe, who died in 1212, had married a French knight, the Count John of Brienne, afterward King of Jerusalem. Three years later, Frederick had his fiancée come to Tyre, where she was crowned as queen of Jerusalem, and, on November 9, the marriage was celebrated at Brindisi. King John had to cede his kingdom to his royal son-in-law, since Frederick inherited it through his marriage with Jolanthe.

After that event the Hohenstaufen's title was: *Romanorum imperator semper augustus, Hierosolymorum et Siciliae rex*. Pope Honorius passed away March 18, 1227, and was succeeded by Gregory IX (1227-41), nephew and chaplain of Innocent III. He was four-score years of age, filled with fervent passion and a defiant spirit. Frederick desired now to fulfill his promise, but the Crusade was already beyond his power. A great many poor people gathered in Apulia, eager to be taken to the Holy Land by the emperor. There was not sufficient shelter for all of them and virulent, contagious diseases broke out, which attacked the emperor and

Landgrave Louis IV of Thuringia. Despite this, they set sail, but were compelled to return on account of prostrating sickness. The landgrave, who was the husband of St. Elizabeth, succumbed, but the emperor gradually recovered. He duly reported to the pope all that had happened, but the stern old pontiff would accept no excuse and Frederick was excommunicated in 1227.

As soon as he fully recovered, he undertook the promised Crusade known in history as the Fifth. It was very pious in its way, but Frederick must have felt the irony of a pilgrimage by one of the excommunicated, on behalf of Christ. He started for the Holy Land June 28, 1228. With him went Herman of Salza, the chief of the German Order.

Herman had previously taken part in the Crusade against Damietta. He was a faithful counselor and the best diplomatist in the service of Frederick. He had equipped the German knights in Lower Italy and Germany, had acquainted them with the entire Occident, and had always wished to have two German knights near him. Consequently they and Herman of Salza represented the best and most intimate connection between the emperor and the Germans.

The emperor landed, September 7, at Acre. During the previous year all the Christian potentates of Syria had gone to meet him, but now they were hostile because of his excommunication.

Frederick had always preferred diplomatic successes, in which he was very skillful, over those brought about by means of arms. Between him and el Kamil messages were exchanged, Herman of Salza playing an important part as mediator. In the end, the Sultan granted almost all the requests of the emperor. The city of Jerusalem, which had been conquered by Saladin, was returned to Christianity, but in order to lessen the disheartening impression upon the Mohammedan world, the Mosque of Omar was retained by Islam. Besides Jerusalem, Frederick obtained Bethlehem, Jaffa, Sidon, Nazareth and many other places of sacred memory. The Mohammedans likewise felt the import of these great events, and the Franks were highly displeased. The Patriarch of Jerusalem, who resided at Acre, refused to be taken back to his former cathedral, and impressed upon all the pilgrims and Catholics that they were not to participate in the triumphal entry into the reoccupied city.

All Syrian Christians, however, who had remained at Jerusalem during Syrian rule, were filled with thankful joy. The Sultan and Emperor honored each other on every opportunity.

On a Sunday of the year 1229, the Emperor Frederick entered the Church of the Holy Sepulcher. Here, where Christ had suffered and died, stood a profoundly impressed monarch, and not an archæological skeptic who raised theological questions as

to age and authenticity. The sovereign who bowed his head at the Sepulcher of the Savior had been excommunicated from the Christian community. With dignity and reverence, the denounced ruler approached the altar and placed the crown of Jerusalem upon his head. Then Herman of Salza read a conciliatory excuse of the monarch, addressed to Pope Gregory, first in German, then in French (the language of the Syrian-Frankish nobility).

Frederick hastened to return, for papal hirelings pillaged and plundered in the kingdom of Naples. A few weeks after he had left Acre he stood on the frontier of the papal dominions. The peace of San Germano was concluded on August 28, 1230, in accordance with which the pope recognized the Crusade and the successes of Frederick II.

Frederick had reached his prime, being reconciled with the Church outwardly and apparently sincerely. He had acquired a position in the Mediterranean which was more complete than that of Henry VI. The main difference was this: Henry's policy was based upon the German knighthood, and that of Frederick upon the Sicilian monarchy.

In Lower Italy, Frederick took up the work of the Norman kings, and introduced the modern bureaucracy, with centralized government and judicial system, a standing army and navy, police, direct and indirect taxes, state monopolies, and a legal code published at Amalfi in 1231, which was a codifica-

tion of the older Norman constitution and comprised many additions of Frederick himself. He created this amazing political structure as an absolute and enlightened despot who founded the state university at Naples, in addition to the traditional local schools, (among which was the famous medical college of Salerno), and it was destined to surpass all the Upper Italy law institutions. At the court of Palermo lived famous men and poets. Frederick himself wrote poetry, and we thus have an Italian literature, besides, a Middle High German and a Provençal. His bodyguard consisted only of Saracens, whom no priestly law concerned, though he aimed to live at peace with the Church and to secure its aid whenever needed. This was the same emperor who had hailed the institutions against the heretics as useful devices for monarchical purposes.

During all these events Germany, on the whole, was left to herself, with a splendid national result. Annoyed by the Danish dominance, Count Henry of Schwerin started out one night and captured King Waldemar II and his son on a small island in the Baltic. The king was hunting there and his companions after a gay carousal slept soundly, so that the Germans had plenty of time in which to make holes in the Danish vessels, and the clever trick was successful. The captives were brought to Leuzen and later to Danenberg.

In the subsequent negotiations, the emperor strove to play an important rôle. He sent Herman of Salza to Germany, thus indicating how significant he considered the affair. In 1225, the Danes were defeated near Möllu. Holstein, Lübeck and Hamburg threw off the Danish yoke and Waldemar entered into the treaty which was agreed upon in November, 1225. He returned the coast lands he had received from Otto IV and, in 1214, from Frederick II; ceded Rendsburg to Holstein, paid 45,000 marks of silver, and sanctioned the commercial privileges of Lübeck and Hamburg in Denmark. After he was liberated he asked the pope to free him from the oath and obligation and took up arms anew. He found an ally in Otto the Child, of Brandenburg, but Count Adolf IV of Holstein, the Asconian Duke Albrecht of Saxony, the Archbishop of Bremen, and the cities opposed and at Bornhövd in Holstein decisively defeated him in July, 1227. The Danish king was compelled to renew the treaty. The German territory to the Eder was reconquered, and maintained.

Another event which promised a grand future for Germany was the settling of the German Order near the Vistula and the founding of the Order state of Prussia. Since Herman of Salza was the supervisor of this undertaking, he demanded that Frederick should protect the future conquests of the Order as principalities of the Roman Empire. As

the Zähringian ducal family was allowed to display the imperial eagle on its coat-of-arms, so also was the Order in the far northeast. After six and a half centuries this old, one-headed eagle of the imperial shield of Frederick II re-appeared in the coat-of-arms of a new German empire.

The situation in the empire may be characterized as follows: The young King Henry VII, who was also Duke of Suabia, was aided by the Hohenstaufen and the imperial ministers, but chiefly by counts and lesser free lords. They represented the landowning, independent, imperial nobility, which was especially powerful in Suabia and Franconia, in opposition to the princes and cities that the emperor endeavored to win for himself. In this case, he would not have to fear upheavals in the empire. The promotion of cities through the Zähringians, Welfs, and other non-royal families was new to the Hohenstaufens, but Frederick understood the value of cities and what they had done for Otto IV. Thus he, too, was their promoter and founder. He turned Mühlhausen, Rufach, Kolmar and others into fortified cities. His son Henry, however, was strongly opposed to unions among cities and destroyed them. Out of these divergent views arose the struggle between emperor and son. Henry VII strove to win over the princes and granted them many privileges, at Worms, in April and May, 1231.

At an imperial diet of Ravenna, whither Frederick had come from Lower Italy, he adopted the laws of Worms in January, 1232, amended them, abolished all self-government of the cities and all guilds, and intrusted the princes with the government of the towns and the regalia. Thus Henry was outwitted and on Easter, 1232, he appeared before his father. Thenceforward the position of the empire was lost, through making use of two antagonistic forces. Frederick had sacrificed a flourishing class which was always loyal to the princes, had increased their power and profoundly furthered the territorial dismemberment of the empire by means of imperial principalities.

The imperial diet of Ravenna renewed the laws against heretics, for the sake of the pope. The persecution took place chiefly in Lombardy and in many provinces of Germany. It was headed by Konrad of Marburg, whom Gregory IX had sent to Germany, where he became the fearful confessor of Elizabeth of Thuringia.

This anachronistic personage was the wife and later the widow of Landgrave Louis IV and a daughter of King Andrew of Hungary, though her daughter Sophia was the ancestress of the Hessian dynasty. While a happy young bride she strove to imitate St. Hedwig, the patroness of Silesia, a sister of Elizabeth's mother, Gertrude of Meran. After the death of Louis IV in 1227, Konrad gained

full control over her and led her to the most dreadful asceticism. She vowed never to marry, to obey him blindly in all things and to offer her body for fanatic flagellation. She lived in a little hut until her death in 1231, at the age of twenty-four. She was buried at Marburg, where she had founded a hospital. In 1235 she was pronounced holy by Pope Gregory IX. Near her tomb the German Order of Knights founded the Gothic Church of St. Elizabeth (1235).

The years 1232 and 1233 represent the time of the most dreadful inquisition proceedings against heresy in Germany, which for the first time witnessed the death by burning of victims of a foreign law. Thuringia and Hesse especially suffered. Only after the Dominicans proceeded against the nobles and well-to-do were they strongly opposed. At an imperial diet of Mainz in 1233, Henry intrusted the punishment of heretics to the courts of law, whereupon not many could be found. In July, 1233, Konrad was slain while returning to Marburg from the imperial diet. All his confederates were killed at Friedberg and Strasburg.

Once more the accusation of heresy was used for political purposes and for shameless confiscations, simply because such action pleased the ecclesiastical lords. In the marshes near the Weser were settled the Stedinges, that is, "people near the shore." Frisians from the vicinity and the Dutch regions

were living there in 1062. By and by they adopted old Germanic habits and life. They always fought their former masters, the Archbishops of Bremen, as well as the territorial ambitions of the Counts of Oldenburg.

A synod held at Bremen by Archbishop Gerhard II found that the Stedinges disregarded the teachings of the Lord; they had slain and attacked priests, sneered at the body of Christ, attempted to find out future events from spirits and finally consulted soothsaying women. They were also accused of distributing waxen idols. From 1232, the actions against them were pronounced Crusades by Pope Gregory IX. The Crusaders from the Saxon dioceses invaded the country of the Stedinges by land and sea, plundered, burned villages and towns, slew women and children and *de men levende veng, de brande men* ("whom they caught alive they burned"), said a Saxon chronicler. Finally, the Stedinges were victorious; Count Burchard of Oldenburg and 200 slain warriors lay stretched on the battlefield. In the autumn the pope attempted to destroy the dikes in order to drown the Stedinges, but failed in the effort.

Saxony alone could not annihilate the inhabitants of one county in its distress. Like "dark clouds" the Dominicans journeyed through the Rhinelands, Westphalia, Holland, Brabant and Flanders and preached their religious war. With those desirous

of bounty came counts and princes, who fought rather because of their hatred of the peasants than for the sake of the Church. Near Altenesch, between the rivers Allen, Luitow and Ochtum, the peasants awaited the iron horsemen. Duke Henry of Brabant opened the attack. In the rear stood the clergy with crosses and banners, singing the famous St. Gall song, *Media vita in morte sumus* ("In the midst of life we are surrounded by death"), amid the roaring and crash of the battle, holding the nerves and the horsemen's desire to kill in suspense. Six thousand Stedinges were slain, only a few escaping. Near the Lower Weser, upon a lonely hill, an iron obelisk was erected in memory of the destruction of the Stedinges. It is this obelisk which bids good-bye to those who leave German lands by way of Bremen, to go into foreign countries.

The young King Henry VII and the independent nobility were put in a worse position because of the events of 1231-32 and the king himself grew "nervous," as we should express it today. He oscillated hither and thither, undertaking nothing systematic and reasonable against Frederick.

Once more he established a royal court and gathered German minstrels about him, but of his overthrow posterity, which chooses its own heroes, holds no poetical memory. King Henry personally belonged to the minnesingers and his two songs

which have come down to us are the most beautiful of the Middle High German. But these lovely blossoms of a happy hour do not indicate his whole character. He was far inferior to his father. The jesting and insipidity of German princes, at which Frederick II always sneered, pleased Henry and his moods were constantly wavering.

In the autumn of 1234, Henry openly opposed his father. Some weeks later he entered into an agreement with the Lombards for ten years. Then he sought alliance with Louis the Holy of France, who was neutral and loyal towards Frederick, though the two were wholly different in character. Then the emperor determined to overthrow his son. In November, 1234, he dispatched the Sicilian Petrus de Vineia to England to woo Isabella, a sister of King Henry III. He then met his second legal son Konrad and July 4, arrived at Worms.

The emperor made a wonderful and fantastic appearance before the Germans with his splendid chariots, his gold and pearls, gleaming purple and silk, without an army, but with a brown bodyguard, Ethiopian negroes and Arab jesters, an elephant which carried a wooden tower on his back filled with Saracens and numerous lions, panthers, camels, apes and owls. Marvelous stories were told of the splendor of Palermo, Messina, Amalfi and Lucera, where were the imperial harems and the castle walls were of white, red and blue marble, the ceilings were

adorned with mosaics and during the festivals, tall, reddish Saracen women balanced themselves on rolling balls, or skillfully danced to the jingle of tambourines and castanets. How the manly and German figure of Herman of Salza contrasted with this pompous and luxurious imperial court! He was the invaluable mediator, who had induced the young king to surrender but who refused to cede all his castles. Thereupon, Frederick seized and imprisoned him at Heidelberg and later on brought him to Apulia. There the dethroned king fell from his horse and died in 1242, seven years after his brilliant triumphs had shattered all his hopes. He was the most accomplished sovereign of the Middle Ages, who spoke and wrote the six languages common to his subjects and was the author of elaborate treatises on natural history and philosophy and the possessor of seven crowns.

Since May 24, Isabella of England waited at the city of Cologne for the arrival of her fiancé. She then came to Worms and on July 15, 1235, the marriage took place. One month later Henry held the great imperial diet at Mainz which formed a cornerstone in the constitutional evolution of the empire. He reestablished public peace and issued an edict written in German and in Latin. Thenceforward Germany grew and increased in worldly offices. A permanent imperial court was created, modeled after the Sicilian spirit rather than after medieval and

German-conservative policy, yet with wholesome and permanent effects. Otto of Brunswick and Limburg retained his Welfic-Saxon allodium as an independent duchy. In February, 1237, Henry's brother Konrad, son and heir of Isabella of Jerusalem, was elected Roman King by seven ecclesiastical and four worldly princes.

Meanwhile Frederick began war with the Lombards who had planned high treason together with Henry. Of the former's assistants in Upper Italy, Ezzelino do Romano (1194-1259) was the most interesting and important. He was descended from a German family who had emigrated under Konrad II, was a son of monk Ezzelino and until 1226, an enemy of the Hohenstaufens. In 1233, he changed and became one of the intimate friends of Frederick. The latter wedded his illegal daughter Selvaggia to him and invested him with important offices in Verona, Padua and Treviso. Thus Ezzelino was enabled to establish the First Italian Signoria, a sort of princely hegemony which he maintained and strengthened, by putting to death all those who were guilty of high treason against the emperor and himself. He is said to have caused the taking off of about 50,000 persons! The friends of these victims avenged themselves upon Ezzelino's brother Alberic and his brothers and daughters by means of excruciating torture.

Frederick entered Verona August 16, 1236, and on

November 2, occupied Vicenza. He brought 2,000 cavalymen from Germany and 7,000 Saracens from Lower Italy and with their aid decisively defeated the Lombards near Cortenuova in the region of Bergamo.

Now Upper Italy obtained a rigid monarchical government through paid imperial officers and judges and the division into two large governmental provinces. These on one side and Lower Italy on the other seemed to menace the papal dominions. Pope Gregory entered into an alliance with Venice which saw itself also endangered and March 20, 1239, again excommunicated Frederick, the "confessing heretic," the "apocalyptical animal of blasphemy." The emperor replied with what Gregory had always feared: the closing of the gap in his Italian dominion and the conquest of the papal dominions. He made his son Enzo king of Sardinia and governor of Ancona and Spoleto, after which he conquered Ravenna, Faenza and the entire neighborhood of Rome with the exception of the city itself. The clergymen whom Gregory had summoned to a council were taken prisoners and in this distressful situation, which seemed to bring an end to the temporal power of the pope, Gregory IX passed away on August 21, 1241.

Meanwhile, the German frontier was dangerously threatened by the Mongolians who drove westward. As to their appearance and the terror they inspired,

they recalled Attila or the Saracens of Abdurrahman, but the chosen Aëtius or Karl Martel did not think of interrupting his Italian enterprise on account of them. Konrad IV called the Germans to arms near Nürnberg, but all of a sudden they were delivered from their terrible enemy.

They formed only a part of an immense victorious Mongolian drive into Middle and Eastern Asia and into Syria where, in 1244, Jerusalem was *sacred*. They were led by Batu and had frequently defeated the Russians, "the Cumanes on the Black Sea," 40,000 of whom fled into the Hungarian plains. This event which angered the Mongolians saved the West. The main army turned against Hungary, another part against the north to prevent the Polish-Bohemian troops from aiding the Hungarians. The Polish Duke Henry of Lower Silesia marched against them and like a modern Leonidas fell on the battle-field near Liegnitz April 9, 1241, before Wenzel of Bohemia could go to his aid.

After devastating Moravia, the Mongolians pressed on towards Hungary. There King Bela IV had promised Frederick II to obtain his country as an imperial feud, if he would only assist him, but the appeal was in vain. Hungary was saved through the death of the Mongolian Khan of which they learned while scourging Albania. By way of Servia, Bulgaria and Hungary the invaders withdrew eastward into the middle Asiatic plains.

In the devastated and depopulated parts of Hungary, King Bela settled German colonists. Since the time of Charlemagne there had always been Germans in Hungary. Geisa II called a great number of them from the Middle and Lower Rhine where they had settled the southern part of the empire, Siebenbürgen. In 1211, King Andreas II invested the German Order of Knights with the depopulated Burzenland. Here the Order founded many villages, cities and fortresses. Thus began Siebenbürgen, so named after Sibinburg, the modern Hermannstadt on the Sibin, despite the fact that the Order had been driven out by Andreas in 1225. The "Saxon" population of Siebenbürgen have to this day maintained their German language and custom and their connection with German civilization.

For two years the Roman pontificate was silent. On September 10, 1241, the Archbishops Siegfried III of Mainz (1230-49) and Konrad of Cologne (1238-61) entered into an agreement for organizing a party hostile to the emperor. Frederick rushed to Germany in 1242 for the last time and carried on an entirely different imperial policy. He gave the cities a number of privileges, greatly favored temporal princes, among whom Landgrave Henry Raspe (1242-47), the successor to the son of St. Elizabeth, and King Wenzel of Bohemia obtained equal rank with the Roman King Konrad IV.

The Count of Julich, who was friendly to the cities, captured the Archbishop of Cologne, while the population of Worms checked the enterprises of the Archbishop of Mainz.

A new pope was elected at Anagni, June 25, 1242. He was Count Sinibald Fiesco of Lavagna, who took the title of Innocent IV. He rather favored the emperor but the situation was well characterized by the supposed statement of Frederick, "Alas, I have lost a friend and found an enemy, for a pope can be no Ghibelline." Negotiations took place and when a result seemed to be reached the pope set out for Genoa. He wished to remove himself from the person of Frederick, to which end he planned a council. Louis IX of France stood strictly neutral and refused the pope's requests. The latter then went to Burgundy whose southern and middle provinces cared very little for the empire. At Lyons, Innocent IV called a council which was not attended by Germany, which excommunicated the emperor and his son Enzo and demanded a new election, while Sicily should be governed by the pope himself.

The Pope, according to his biographer, shipped much gold to Germany by means of which the anti-imperial party was greatly increased in number. Henry Raspe yielded to the temptation and accepted the royal election which took place at Veitshöchheim near Würzburg, May 22, 1246. The Thuringian family which had always participated in such im-

portant occasions found recognition through the election of the ambitious Henry Raspe, but the end was tragic. In order to deprive King Konrad, who was aided by the imperial nobility and the cities, of his best troops, the anti-king went to Suabia. The city of Ulm remained loyal to the Hohenstaufens. Henry, who besieged that city on the Danube, was wounded, returned home, and died on the Wartburg, February 17, 1247. In October following, Count William of Holland was elected at Neuss, among his electors being the Duke of Brabant. He besieged Aachen and was crowned November 1, 1248, with a spurious crown. Generally speaking, his party increased in number with the exception of the cities which clung to Konrad.

Frederick succeeded in quelling mutinies in Sicily and Enzo bravely defended his father's cause in Upper Italy. The emperor arranged to go to Germany by way of Lyons, in order to meet his chief adversaries in their respective homes. He planned further to rouse revolutionary ideas and intended to confiscate the papal estates on behalf of the laymen. He soon reached Turin at the foot of the Mont Cemo, but the insurrection at Parma did not permit him to leave Italy. He returned, besieged the city, expecting soon to take it. While he was absent hunting in the near Apennines, the inhabitants of Parma invaded his camp, which Frederick had named Vittoria. They defeated his army and

seized his treasure, crown and seals. News of other conspiracies reached him. While he lay sick at Cremona the physician of his Chancellor of Sicily, Petrus de Vinea, was detected in an attempt to poison the emperor. Petrus was convicted and blinded, but escaped execution by committing suicide. At the same time, Frederick lost his brave, handsome son, King Enzo, who (May, 1249) was defeated by the people of Bologna, taken prisoner and all offers to ransom him were refused.

When he recovered, the emperor returned to Lower Italy. He could not for the time go to Germany after the capture of his son. With great difficulty he equipped a new army and was about to lead it against the Lombard cities, which were in the meantime conquered by his soldiers that had gathered near Parma, when, December 13, 1250, he passed away in his castle Fiorentino near Foggia in Apulia. He was fifty-six years old and still possessed the old elasticity of his dauntless spirit. To free himself from the excommunication for the sake of his heirs, he summoned the Archbishop of Palermo, who absolved him. He was laid to rest in a sarcophagus at Palermo.

As an intellectual individuality Frederick II was the most interesting personality of the Middle Ages, to which he did not belong and which he left behind him. He benefited only the kingdom of Sicily by establishing the centralized government and he

overthrew the German empire without providing new means and ways.

One legend regarding the emperor takes us far beyond the province of Germany and into the realm of prophecy. Through the latter, many Babylonian, old Jewish, ancient, sibylline, Byzantine and Christian conceptions and beliefs regarding a coming liberator and emperor who will rule to the end of the world, have greatly influenced the German saga in connection with Frederick II.

Such prophecies are not rare or confined to one people. They are to be found among all, especially the half-educated classes. Everywhere and each year they are current, renew themselves from time to time, become international property, seek foreign adornment and material and make a confused mass of traditions, with wild distortions and strange imaginings.

From all oriental and ancient centers of pre-Christian history forces are ever at work and ever renew themselves, down to the medieval periods, interweaving, separating anew and again weaving in harmony with the old threads. Owing to the impression made by the victories of "Islam," there enters into the prophecies of the Byzantines the figure of a great monarch who some day will liberate Jerusalem, lay his crown at the feet of the Heavenly Lord and lead the last of the empires, won from all worldliness, won and subjugated for

Christianity, into the eternal realm of light. The Orient, which as the home of the True Word was closely connected with the saga, gained new strength through the victory over the Saracens. There stood also the Withered Tree which will thrive anew on the day of salvation. The saga is interwoven with dim memories of Charlemagne, superficial knowledge of a Christian monarch beyond the Mohammedan world, the "priest-King John," and much more oriental material.

Meanwhile, local sagas of the occidental peoples, including the Germans, who were influenced by the literary, half-erudite prophecies, find national interpretations. From the time of Henry I, there was hardly a German emperor whose name was not surrounded with prophecies during his life and even after his death. No sovereign wholly displaced another and in the distance loomed the mighty Charlemagne from out the mist of memories. Among those prophecies, we find the names of Frederick I as well as Henry III or Otto I and more than ever before the Holy Land filled the minds of all. The time had come for its liberation. The prophecy gripped Frederick II, the ward of the pope, who dashed like a meteor to the conquest of Germany from the mysterious Apulia. It was his to take the crown, journey to the Orient and set Jerusalem free.

Mediterranean-Oriental prophecies always swayed the sagas regarding the German emperor and Ger-

many became their home. Such, for instance, was the Withering Tree which influenced the mountain saga, whose chief personages were Frau Holle and Tannhäuser. As a pear tree on the Walser Field (near Lintz on the Danube) it was to thrive anew when the emperor returned and beat upon his shield. Far off in Apulia tarried Frederick, who left the Germans to themselves. "The emperor sleeps," the people whispered, and therefore it little concerned them whether and when it died. While Frederick II was living he was to his Germans a being removed into a fantastic world of wonders and he remained such.

The alien, half-Saracen king, the heretic and atheist, was to reside in the Aetna, which mountain with its horrible breath of hell dominated the imagination of the people. Later on, he was removed to German mountains. Once more the saga changed locality and outer environment so that it understood them more easily.

We must speak of the false Fredericks of the thirteenth century who aimed only to destroy the belief of the people in the sleeping emperor. Frederick, Margrave of Meissen, Landgrave of Thuringia, and as Palsgrave of Saxony, administrator of the royal estates of Tilleda and of the imperial castle Kyffhäuser and a son of Emperor Frederick II's daughter Margaret the last female offspring of the Hohenstaufens, claimed the German

“throne” and at the same time called himself King of Jerusalem and Sicily. Saga deals also with him and to him is due the preferment of the Kyffhäuser over the other mountains and the German emperors living therein.

The imperial sagas assumed new forms in the vivid imagination of the people. From the time of Maximilian they attach themselves to the personage of the older Frederick, who displaced the never popular Frederick II. In the eighteenth century, only the literary circles knew that Frederick II was the slumbering and not the dead emperor. Then the Apulian made room for his grandfather, whose red beard was grown white and who in the sleep of the centuries had grown round the table which stood in the castle.

CHAPTER II

THE LAST OF THE HOHENSTAUFENS

THROUGH the death of Emperor Frederick, Konrad IV became king of Germany so far as he could maintain himself against the anti-king. According to the right of inheritance and the will of Frederick, he was also to obtain the kingdom of Sicily, his half-brother Manfred, an illegal son of Frederick by the Countess Bianca Lancia (whom he had married shortly before his death), was to have the principality of Tarentum as a feud. Since 1248, Pope Innocent strove to deprive the Hohenstaufens of Sicily. Konrad, therefore, crossed the Alps with a small army in October, 1351. Meanwhile, Innocent had offered Sicily to the sons of Richard of Cornwall, a brother of King Henry of England and of Charles of Anjou, a brother of Louis IX of France. Finally the English king accepted it for his second son Edmund and financially aided the struggle in Italy. Konrad advanced slowly and steadily and in October captured Naples. He was now able to gather a larger army with which to enter Middle Italy. Before he could start, he died May 20, 1152, of

malaria in the city of Lavello, in his twenty-sixth year. What the brilliant youth would have accomplished in behalf of German history had he lived we cannot tell, since he passed away at the beginning of his most important enterprise.

A grandson of Frederick II, a son of Henry VII, a legitimate son also by the name of Henry—brothers of the same name were common in the Middle Ages—had died in 1253. Konrad IV, while opposed by Henry Raspe, had married Elizabeth of Wittelsbach and thus won as friends the Bavarian duke and the Rhenish palgrave Otto the Illustrious (1231-53), as well as his sons and successors, Louis the Severe of the Palatinate and Upper Bavaria (1253-94) and finally Henry of Lower Bavaria (1253-90). Elizabeth gave birth to a son, March 25, 1252, in Bavarian castle Wolfstein near Landshut. He was named Konrad and the Italians dubbed him "the young" or "little Konrad,"—*Corradino* or *Conradino*. Through the death of his father, he became "King of Jerusalem and Sicily and Duke of Suabia."

Before his death, Frederick II asked Manfred to remain loyal to Konrad and to aid him always. But immediately after his appearance in Lower Italy, Konrad was opposed by his half-brother. In 1258, he obtained possession of the crown and called himself king. Manfred's action recalls that of Philip in 1198 and politically Manfred may also



Dome of Prague as seen from the East.

have been right. Since he had called himself king his power and dignity greatly increased. Peter of Aragon wooed his pretty daughter Constance and became his son-in-law. Many things in Lower Italy, including the city of Manfredonia at the foot of Monte Gargano, still remind one of his reign. But his star vanished after Pope Urban IV, a native Frenchman, succeeded in successfully negotiating with his fellow-countryman, Charles of Anjou.

Charles was the youngest brother of King Louis IX, the Holy. He succeeded in supplanting all suitors of Beatrice, the heiress of the last Count of the Provence, markedly aided by the pope. Among them was also Konrad IV. The dethronement of Frederick II in 1245 enabled Charles, who married Beatrice in 1246, to separate Provence from the empire and to become its independent imperial lord. He also negotiated with the Lombards and obtained honor and dignity in Piemont. Thus his appearance in Lower Italy was the final good fortune of his long anti-Hohenstaufic policy which aimed, after the overthrow of the imperial authority in Lower Burgundy and in Italy, to establish a great territorial and maritime hegemony on the Mediterranean.

To this claim also belonged Charles' office of Roman Senator which he had obtained in the sixties. Since 1252, Rome had "senators" as heads of the city and foreign officers similar to the Podestas who

had been common in Italy since 1160. Following 1261, they strove to win first of all, distinguished princes for the Roman senatorial office. The election of Charles was a triumph of Pope Urban IV. His successor Clement IV (1265-68) found Charles willing to proceed against Sicily. Edmund of England had been given up as early as 1253.

Valiant, bold, industrious—always grieving because one must sleep and thus interrupt his work—severe, inflexible, ambitious and greedy,—such were the characteristics of Charles of Anjou, who was destined to assume Frederick's reign in Lower Italy and the Hohenstaufen's well-arranged government in the sense of tyrannical despotism, without possessing the intellect and strength of his predecessor.

With little money, horsemen without horses and worn-out soldiers, Charles was greatly aided by the farthings of St. Peter. Tempting, they rolled among the Sicilian barons and leaders of garri-sons. In July, 1265, he was invested, but six months later was crowned at Rome as feudal King of Sicily. With more than 30,000 men he opened the campaign. Thirty-two fortresses surrendered almost immediately. Manfred, with 25,000 men including German lords (among them Count Rudolf of Hapsburg) and cavalrymen, Lombards and Saracens, confronted his opponent at Beneventum. There on February 26, 1266, Manfred was de-

feated and killed. His surviving sons were kept prisoners for a number of years by the Anjous.

Near the bridge across the river Calore, where lies the city of Beneventum, the victors had buried the body of Manfred, whom they recognized. Each of the chivalrous Frenchmen carried a stone for the plain monument which the people called the *Petra Roseti*, (the Rock of the Roses). The Archbishop of Cosenza always hostile to Manfred, disinterred the body and buried it in the mountains, extinguishing all the lights as a sign of the sleep that rested upon the dead Manfred:

William of Holland was king in Germany, although the throne was also claimed for young Konrad. The princes were not interested in the election of the count and the cities also went their own way. They entered into alliances, as in the time of Henry (VII), and were compelled to disband. In 1251, the Westphalian cities, Soest, Münster, Dortmund and Lippstadt, formed a new alliance for the preservation of public peace and the protection of their commercial interests. In 1254, Worms and Mainz entered into a similar alliance which spread rapidly along the Rhine, and was joined by the princes. In 1255, this Rhenish Confederacy spread over Cologne and Westphalia as well as over Hesse and regions near the Main. In 1256, it comprised about 100 cities, including Bremen, Hamburg, Lubeck, Mühlhausen in Thu-

ringia, Nürnberg, Regensburg and the Rhenish archbishop and bishops up to Basel, the palgrave on the Rhine, the duke of Bavaria, the abbot of Fulda, the Thuringian landgrave, the bishop of Würzburg and many others. It seemed as if a sort of Lombard confederacy would displace the imperial constitution in Germany. How far we have advanced into the "interregnum," we see very clearly from the fact that William regarded it a great success when in February, 1255, he was chosen Protector of the Confederacy which—according to the king's own statement—cared for the preservation of public order faithfully and wonderfully. With amazing prosperity the cities rose anew, all differences between imperial and episcopal cities disappeared and their power so dwarfed that of the princes that the latter were compelled to join the Confederacy.

King William too had striven to unite the cities and thus gain control over princes and cities as well. But on January 28, 1256, he was killed during a military expedition against Frisia. He fought in the very front, was taken prisoner and although he had offered ransom, the Frisians slew him.

Again it was the Confederacy which convened March 12, 1256, and established order in the empire that lacked a leader. The body would recognize only the one whom the electors unanimously chose. The electors did not cast an unanimous vote but

selected two powerful lords. All needed money. Native candidates did not please them, since even the non-princely Count of Holland had attempted to become a real king. The decline of the empire through various causes was completed.

Count Richard of Cornwall and Poitou, weak but exceedingly vain, and rich because of his tin mines in Cornwall, was a factor in this ruin. His brother, King Henry III, strove to win over the pope at this election, hoping to benefit English commerce a great deal; but the pope preferred Alphonso X of Castile, as grandson of Philip of Suabia and bearer of Hohenstaufen rights. The aid of the pope was obtained through money. On January 13, 1257, Count Richard was elected and paid to the Archbishop of Cologne 12,000 marks of silver, to that of Mainz 8,000, to the Duke of Bavaria 18,000, to the Duke of Brunswick 5,000 and so on, according to the dignity and commercial spirit of each. The Archbishop of Trier, the Bishop of Speyer, the Duke of Saxony and the Margrave of Brandenburg elected April 1, 1257, King Alphonso X, the celebrated hero of Castile.

To the bitter disappointment of the pope, he soon attempted to gain control over the Hohenstaufic inheritance and assumed the title "Duke of Suabia." He meant to establish a policy of his own in Italy and negotiated with Ezzelino with that end in view. He did not consider it wise ever to go to Germany.

But he went to Cologne in the spring of 1257 and was crowned at Aachen, May 17. He succeeded in winning over a number of members of the Confederacy of Rhenish Cities and Princes. But when he reached Basel, money and hence power were gone. A contemporary Strasburg chronicler says ironically that the princes had given him "the bill of divorce and declared they had loved him not because of his beauty but solely because of his gold." He returned to England and afterward visited the continent three times. The chief result of the activities of this money-king was to leave the Confederacy of 1256 infected with a fatal disease and the destruction of it from within.

From these kings of the Germans, who tried in every possible way to make use of the Hohenstaufic crown, let us turn to the young heir of Suabia. In 1262, Konrad who was brought up in Bavaria was led to his duchy, then a lad of ten. It was proposed to elect him king, but the pope opposed. There was only one thing for him to do: gain control over Sicily and Italy and then everything would also change in Germany.

Out of this and the courage not to leave the throne of his forefathers in the hands of a thief, arose the undertaking of "Conradino." The people of Pisa and the Counts Lancia, relatives of Manfred's mother, encouraged him; his uncle Louis, the stepfather Count Meinhard of Gorizia who had

married Queen Elizabeth in 1259, and Count Rudolf of Hapsburg who was the most powerful landowner in Suabia, were ready to join him.

When fifteen years old, Konrad started for Italy in the autumn of 1267. Naturally many of the most important companions returned after they reached Lombardy, and Frederick of Baden, who was brought up in Bavaria with Konrad and who remained loyal to him, brought nothing with him except claims to the Austrian inheritance. The hopeful youths believed that Konrad's victory would bring to them all of which they had been robbed in Germany. His journey through Italy was accompanied by papal excommunication of himself and of the "snake brood" from which he had sprung. But he had adherents and money came in anew. The valiant Frederick of Baden defeated an army of Charles near the Arno Valley, whereupon the Castilian policy which was hostile to the Anjous joined the Hohenstaufen who was to become anti-king against Alphonso X. Konrad was received by Prince Henry of Castile and in July, 1268, he stood on the capitol, the castle of the Roman people, who rejoiced and cheered him. While still in Rome he heard of a naval victory of the people of Pisa against Charles' admiral.

Konrad left Rome with about 10,000 Germans, Italians and Castilians. He reached Scurcola, near the Fucini Sea, August 23. There he met Charles,

who had only about 6,000 men with him. Konrad at first was successful, but while pursuing the army he was suddenly assailed anew and defeated. Konrad, Frederick and the Counts of Lancia escaped to Rome, but *mobilium turba Quiritium* did not welcome the fallen stars. They went to Astura in order to reach Pisa by sea. While on the water, they were seized by the Lord of Astura, John Frangipani, who had maintained neutrality and had formerly obtained many a favor from the Hohenstaufens. Without any political purpose whatever he sought to gain as much as possible by handing Konrad over to Charles. The latter brought the prisoner to Rome and then debated what his fate should be.

Konrad could not be convicted of high treason, for he was not a subject of Charles and he had openly fought the usurper of his inheritance. But Charles determined to rid himself of his enemy forever. Konrad and his friends were not convicted by an ordinary court, but by the personal verdict of the king. He was a victim of that cruel Sicilian constitution which his grandfather had established.

Konrad and his friends were brought to Naples to be executed. In many accounts reference is made to the cruel torture of letting Konrad die in front of the dark blue bay at the foot of the magnificent Vesuvius. But we have reason to assume that the

opposite was the case for the Germans of those days, whose love for nature was strong and whose poetry was roused by meadow and field, by flowers and grass and verdant landscapes, already appreciated Italia's loveliness. To them the country was no longer a rough, bare land, with no restful shade, with a smiting sun and the abode of disease, worries and misery, but rather the home of wealth and superior culture. Our sympathy with Konrad is greater when we remember that he had to die helpless in his grandfather's city, which was pitilessly foreign to him. He was beheaded October 29, 1268, on the Piazza del Mercato. He left a pathetic will, bequeathing the remnant of the Hohenstaufic allodium to his Bavarian uncles and asking them to pay the debts he had contracted at Augsburg and Ravensburg and which he had not been able to discharge. He died like a hero. With him were executed Frederick of Baden, Count Gerardo of Pisa, two Lancias, seven Apulian barons and the Suabian noble, Frederick of Hüvenheim from the Riess.

Charles gave the place where the execution occurred to the Carmelites and in the beautiful church S. Maria del Carmine, the bodies of Konrad and Frederick of Baden were buried. The leaden coffin with the initials "R.C.C." (*Regis Conradini Corpus*, King Conradino's body) shows the skeleton with the head laid on the breast and a sword. His

tragic end, which has been the theme of many touching stories, speaks today with silent eloquence of the Hohenstaufic House, its rise, its glory and its decline.

Germany did nothing to avenge Konrad and the manner in which she freed herself from Lower Italy had no glory attached to it. She was indifferent whether or not her course was profitable or advantageous. Charles of Anjou removed his residence from Palermo to Naples for reasons of Italian policy. Soon afterward, in 1282, he lost Sicily through Peter of Aragon, the husband of King Manfred's daughter Constance and through the bloody court of the people of the Sicilian Vespers.

With the dying out of the last male offspring of the Hohenstaufens, the grand old Duchy of Suabia began to fall apart. Many well-known Europeans today have Hohenstaufic ancestors. Among these, is the Wettinian family, because Margaret, daughter of Frederick II, became the wife of Albert the Naughty of Meissen and Thuringia. She died in 1270, King Enzo the prisoner of the citizens of Bologna survived her for about two years.

Now that the hideous night of the Interregnum is darkening around us after our glimpse backward and forward, let us briefly note the hapless condition of Germany. Instead of several powerful duchies, she had nearly three hundred small separate states, each fiercely clamoring for its rights against the

others. Of these, about a hundred belonged to dukes, princes, counts and other nobles; a few were under priestly rulers, and there were sixty free cities, each a republic which denied allegiance to everyone and everybody except the emperor. Surely never in history was there such a conglomeration of discordant elements, from which it looked hopeless for extrication through human agency.

CHAPTER III

CONDITIONS AND CULTURE IN THE TIME OF THE MEDIEVAL EMPERORS

THE Middle Ages were characterized by a lack of ability to form far-reaching organizations, by the disregard of the development of the constitution, by the crown's renunciation in every respect and finally by legislative work after the fashion of Charlemagne. We saw how "the Eastern Frankish" empire arose through mere facts and not through accidents. From A.D. 843, it was largely composed of pure Germans, and then it gradually (since 870 and 879) included all the German elements. It was also through facts that the German population remained close together in the empire, and not because of thought or energy. It was brought about by the decay of the dynasty, the election of kings and the various conditions connected therewith. This empire, which called itself the Eastern Frankish, and did not know it was the German, was distinguished from the universal monarchy and imperialism which considered themselves continuations of Rome, until the time of Otto the First successfully resumed that claim. The

courses taken by the imperial government were afterward increased in numbers. Marked contrasts stood near each other, as shown by the attitudes of Otto III and Henry II, but a permanent principle could never be established. A real innovation by the German empire was the alliance with Italy, dating from 951 and 962, and that made with Burgundy in 1033. Both continued neighboring states with uneven activity. The accommodating agreements into which one ruler after another entered cannot be noticed here. The imperium remained an unbroken experiment which was at variance with the senescent but far better organized Eastern Roman Empire at Constantinople.

But the causes of all this lay not only in a disproportion between ability and the assumed tasks, but in something which constitutional history had neglected. The common *Weltanschauung* and conceptions of the Middle Ages, that is, the Church, of necessity delayed the development of the state. If there was a definition of or a theory concerning the Empire of the World, it was rooted in Augustine's History of Philosophy, which was taken up by the leading men with hierarchic ideas. According to this, the state and all worldliness were the result and consequence of sin since the fall of the angels. Hence the letter of Gregory VII addressed to Bishop Herman of Metz in the year 1081: "Who does not know that princes and kings are descended from

those whom God knows not, and who have striven after the lordship of their fellowmen in blind zeal and insufferable arrogance, by means of haughtiness, robbery, faithlessness, murder, vices of all kinds with the assistance of the devil as the lord of this world?" The spurious Constantinian Donation is also based upon this theory: because Constantine the Great became Christian, rightly understanding and comprehending all its principles and claims, he endowed the Church with the fullest power, and obtained only what he himself possessed as ruler. Christ had left Peter and his successors at Rome as his governors and none else beside them. Thus the Church as the highest illustration inherited both ecclesiastic and temporal duties, while the state was not only superfluous, but unjustified so far as it desired to be independent and not under the supervision of the Church. True, since the times of Charlemagne the kings and emperors had styled themselves "endowed with power by the grace of the Lord," but this claim was opposed by the theory of the Church. What these emperors called themselves was understood by everybody who knew they were servants of the popedom. Later, it was the antagonistic kings who recognized the pope for the sake of their protection. The Church had since early times, wherever it was possible, fought against the independent rights of the royal laymen as regarded their morals. "Albeit he by

force obtained the imperial dignity"—a holy biography of Otto I says, "he none the less was benevolent towards the Church." To Henry III, the Bishop of Liège said, the king had the power to kill, the bishop that to revive, so that the anointment of the bishop stands above that of the king. "And who has only a small amount of brains and knowledge will hesitate to place the priests above the kings." So wrote Gregory VII. He said later that he did not know of seven worldly princes whose piety equaled that of the (ecclesiastic) despisers of the world. He found only five, including the Germans, Karl and Louis the Pious, who came up to his requirement. Otto III, Henry II and Henry III were not recognized. Thus the ecclesiastic theory consisted of the recognition of the state as a necessary evil, for the sake of the historic sin: the state and its ruler were the worldly arm, the sword of the Church which was the most supreme judge and did not stain itself by blood. Another figure used by Gregory VII in 1080 was: "The pope's power is the sun whence gets the worldly power as moon its glory."

Thus it may be said that the only privilege belonging to the state was the office of executioner. In fact, all ideal cultural aims, schools, sciences, charities, caring for the sick, a large part of protection and hygiene, depended upon the Church. This kept down the idea of an independent state, which was

fully aware of its worldly inferiority. It lacked self-confidence as regarded a fixed theoretical evolution and development. Moreover, only the priests possessed the required knowledge. Therefore, the constitutional tasks from Charlemagne to the time of Frederick I remained a pitiful and incomplete piece of work.

In the twelfth century, however, the "world" threw off the chains of medieval self-condemnation and the states strove for emancipation and independence. Frederick I found the basis of the existence of the state and the imperial power outside of the Church and the sovereignty it had inherited from St. Peter. He discovered further, in the Italian jurists, men who were able to carry out his theory. For a long period concrete practice of facts displaced obscure conventionalities. In Germany the legislative authority of the state, which was limited almost entirely to public peace for a number of centuries, became more active in Italy, where the authoritative and financial rights of the state were firmly established. In Burgundy, through marriage, the emperor obtained power. In Lower Italy, where the imperial claims for more than a century and a half had been almost forgotten, he secured for his son a well-centralized monarchy. But the harmful period of the anti-kings made it possible for the pope to regain his losses. Otto IV and Frederick II called themselves for some time kings by the grace

of God and the pope. Philip of Suabia and Frederick II promised to sanction ecclesiastic excommunication by worldly ban. Frederick especially was always willing to persecute and destroy the heretics. All this was due to political necessity, and not to humility on the part of the state. As soon as Otto IV felt himself freer, he placed the sun and moon on his banner, and Frederick II, the organizer of modern monarchy, fought against Church and medievalism. He did not make Germany, where so much had been lost, the object of his activity, but rather made Lower Italy his field of labor.

The imperium would be Roman and Otto III was officially styled "Emperor of the Romans." From the time of Henry V, even the emperor who had been crowned was known as a "Roman" King. The official "Eastern Frankish" empire was forgotten, and never came a "German" in its place. Naturally, a geographical and ethnographical word was needed both for the Latin historians and for daily use. The former employed for Germans, after 951, the terms "Franci" or "Germani," "Theotisci," and "Teutonici," especially in sources that related to Italy, in the Roman portions of Lorraine and in the Slavic Marches. In the twelfth century, the term Alemannia was used, and Frederick I appeared to have employed this word, not only for Suabia but for all Germany. It became

known in Germany from France by way of Lorraine.

We first hear of "Diutisk" and "Dutiskland" in the imperial annals of the middle of the twelfth century, but the stirring periods sadly lacked works written in the language of the common people, and especially such as had occasion to speak of the "*Deutschen*." Thus the earliest source for the first oral use of those words cannot be relied upon.

We meet with national conscience after the period of the Hohenstaufens, in the guise of German pride against the other nations. The old proverb probably originated in a Bavarian monastery: "Mad are the foreigners, prudent are the Bavarians, little prudence is in the foreigners, they possess rather madness than prudence." Thus foreigners (Italians were meant) and Bavarians and not Germans were contrasted. Pride and joy still manifested themselves in the form of particularism. It was an ancient custom to sneer at Wends and Slavs. An Alemannic warrior, Eisheri, who took part in Charlemagne's expeditions against the Wiltzes and the Czechs, called the Slavs little worms and frogs which he destroyed with his javelins. And when, in the eleventh century, a Wendic prince wooed the Saxon duke's niece, the margrave rejected him on the scornful ground that relatives of dukes would not be given away to a Slavic dog. Whenever the lower classes of the conquered people fought bitterly

against that German superiority above all others, the aristocratic classes readily assimilated. The Bohemian Duke Boleslav II (died 999) called his son by a German name, Udalric. Boleslav Crobry was married to daughters of German margraves; one of his sons was named Otto, and one of his daughters Regilind. Later such things became quite frequent. Linguistically the Germans also expanded. Of a castle in Anhalt, Otto II told us in 978, that its former name, Budizco, was changed into Grimmerslowo. Similar incidents took place during the following centuries and chiefly after the great colonization east of the Elbe, in the time of the Hohenstaufens. Yet of national feeling with an ethical value such as is found in the poetry of Walter von der Vogelweide, there was none. As is the case today, the newly aroused national pride was accompanied by a love for foreign things on the part of the educated classes, who were accustomed to make no distinction between knowledge of language and education. At the court, during the Hohenstaufen period, only those poets were honored and rewarded who made the public understand French literature or Virgil's *Æneid*. Of the poets,—those who wrote the *Nibelungs*, the *Lay of Gudum*, *King Rother*, and others,—not even the names have been preserved. The educated man was interested alone in the author, while the people cared only for the work itself, which was considered a product of na-

ture. Through many weary years the German, Walter von der Vogelweide, had to beg for bread until, when bowed with age, he could joyously call out, "I have my fief." Even the lower classes were seized by the love for foreign fashions. When the farmer's son Helmbrecht returned from his adventures, he addressed his people in Czech, Vlaemish and French, so that his hearers grew confused. Not until he called his father's oxen by their "right" names did the listeners recognize him. The knights in the German East greeted each other in Polish and Czech, without even knowing or desiring to know these languages.

CHAPTER IV

THE CHURCH

THE bishoprics of Germany were divided into archbishoprics and metropolitan sees.

To the Archbishopric of Mainz, which, in 747, was given to Boniface, the Metropolitan of Germany since 732, belonged Augsburg, Chur (as bishopric since 451), Eichstädt (founded 745 by Boniface), Hredesheim, Constance, Pardeborn (founded 795), Prague (974), Speyer, Strasburg, Verdun, Worms and Würzburg (founded by Boniface in 747). Thus the diocese of Mainz was the largest in Germany, lying between the Rætian Alps and the Lower Elbe. To Cologne, which had had bishops since the fourth century and which became an archbishopric in 875, and united with the German empire in 843 through the treaty of Meerssen, belonged: Liège, Minden (founded 803), Münster, Osnabrück and Utrecht (founded 696 by the Anglo-Saxon Wilibrod). Trier had bishops since the fourth century and appears to have become an archbishopric under Louis the Pious, to which Metz, Toul and Verdun were attached. The Arch-

bishopric of Hamburg was granted to St. Ansgar, the apostle of the Swedes. The Hamburg see was destroyed by the Normans in 845 and united with Bremen, which was a bishopric from 788. At the beginning of the eleventh century, the diocese of Hamburg and the dome were erected anew. As late as 1123, it was finally removed to Bremen. To Hamburg-Bremen belonged Lübeck, Ratzeburg, Schleswig (founded 948) and Schwerin. Hamburg-Bremen aimed to do missionary work in the north, and carried on the work with considerable success. Consequently all the northern bishoprics belonged to it, besides those enumerated above. Canute the Great attempted to overthrow that authority by sending to Denmark bishops who had been consecrated in his English kingdom; but, in 1020, he obeyed the Metropolitan See of the North, and visited personally Unwan, Archbishop of Bremen. Again the northern see undertook a great task when Archbishop Adalbert, the mentor of King Henry IV, elected legate of the North in 1053, failed to fulfill his duties. Through the raising of the bishopric of Lund, founded in 1048 in Danish Sweden, to an archbishopric, and to the Metropolitan See of the North at a time when the power of the pope was at its zenith, (1104), was due the end of those German privileges founded upon history and merit. In vain did Emperor Lothair try to prevent this procedure. Salzburg, founded in 696

by Bishop Ruprecht of Worms, was made an archbishopric in 798. To it belonged Brixen, Freising and Passau. (The last was founded in place of the bishopric of Lorch, which had been destroyed by the Avars. This ancient history of the two bishoprics, Salzburg and Passau, caused the struggle between them which lasted for centuries after the Ottonian period, and which ended in 1728, with the victory of the former.) To Salzburg belonged also Regensburg, Chiemsee, Gurk, Lavant and Seckau (now at Graz), the bishops of which were elected by the metropolitan. Magdeburg, consisting of a part of the bishopric of Halberstadt and the provincial territory of Mainz, was founded in 968, by Emperor Otto, and was the metropolitan see over Brandenburg, Havelberg, Meissen, Lebus, Naumburg and Posen. Bamberg, founded by Henry II in 1007 and sanctioned by the pope, possessed no metropolitan authority, just as Kammin in Pomerania, whither the bishopric of Julin, founded 1140, was removed in 1188. To Riga, founded 1206 and made an archbishopric in 1235, belonged the bishoprics of Dorpat, Ermland, Kulm, Kurland, Osel, Pomesania, Reval and Samland. In Burgundy, to the Archbishopric Besançon belonged Basel (with a German diocese and in worldly matters German principality), Belley and Lausanne; to Tarantaise belonged Sitten; to Vienne, Geneva. To record the ecclesiastic organization of Italy, where almost every

city had its bishop, would take us too far from the history of the German people.

The bestowal of bishoprics was made through the king, for both the ecclesiastic and the temporal offices. If he did not do it himself, he sanctioned a proposition of the "clergy and the people" of the diocese. The Concordat of Worms represented the results of the struggle which arose on account of the foregoing. The royal privileges which the Concordat had left, Frederick II gave up in the year 1213.

The churches of the bishops and the cathedrals were called domes. All the priests made up the so-called dome-chapter, whose members were the dome-lords or dome-canon; their chief was the dome-deacon. Originally they lived together in one building, in accordance with canonic rules, which were worked out by Chrodegang, Bishop of Metz, after the Benedictine canon; but, toward the end of the period named, they became noble lords who consumed their large income in separate residences, part of their ecclesiastic duties being done by others. The priests of more important churches organized themselves after the fashion of the dome-lords into collegiate chapters, and were called chorus-lords (*Chorherren*). But even outside of the bishoprics, other churches were known as "domes," that is, those at Goslar, Hamburg, Erfurt and Limburg.

The ecclesiastic community was called a parish, and its priest the parson. The parishes consisted of deaneries and archdeaneries. Bishop, priest, deacon and sub-deacon were considered high degrees, while the mere assistants in the services, the lector, etc. were the so-called lower degrees. All these were termed world-priests, and the parson was called "*pleban*" (priest of the people).

Regarding the daily costume of these priests we are told that it excluded colored materials and was confined to black (or white, which the royal chaplains wore), with violet and red marks of distinction. During the service the priests wore white garments with "liturgical" colors. These were violet during Lent, green during the time between St. Epiphany and the Septuagesima, red on Whitsuntide and on the festivals of the martyrs, white on all festivals of Christ and Maria, black on Good Friday and during funeral services. The main garments worn at the services were the stole, which was displaced by a white ribbon around the shoulders; the alb, then the long white and washable "*casula*," with a large cross on the back of the priest; then the *dalmatica* (a cape of the deacons), and the *pluviale* worn during processions. *Pallium* was a ribbon adorned with crosses which the pope sent to the archbishops after their election. They used a round cap as a covering for the head. The abbots carried, in a simpler form, the curved staff of the bishops.

The cross which hung on the breast of the latter was called the pectoral.

Attention should be given to the College of the Cardinals, since the organization frequently came in contact with German history.

The college originated in the assistance rendered to the pope by presbyterians and deacons, and after the eighth century also by a number of bishops in the vicinity. There was an organized college after the eleventh century and the pope so increased its prestige that foreign bishops considered it a high honor to be cardinal. In the thirteenth century the colleges numbered six,—those of Albano, Ostia, Porto, Præneste (Italian Pellestrina), Sabina and Tusculum. The pope, as Bishop of St. John in the Lateran, was also a member so that their entire number was seven. There were fifty cardinal-priests, and fourteen cardinal-deacons.

During the reign of Louis the German, there were approximately 130 convents in Germany and their number increased, though not regularly.

There were times that favored the founding of convents and periods when the opposite was the case. In 876-906 six new ones were established, and in 906-931 none. The latter years marked the time of the particularistic struggle of laymen against the Church. The kings from the family of the Ludolfingi, as well as their wives, ardently favored the founding of convents. In 931-950 seventeen came

into being, as did the same number, including nun-convents, in the interval down to 973. They were especially numerous in Saxony. Henry II encouraged the formation of such communities, because of his reformatory attitude and his dislike of the powerful episcopate. After the eleventh century and the time of Otto I, an immense number of convents were founded.

Until the twelfth century, the laymen, as we are informed, did not oppose the establishment of these religious communities, but opposition grew stronger with the independence of the laymen, and the donations to the convents became rarer. The order of beggars who called in person for gifts, thinking they could collect small donations in great numbers, felt the distressing change of conditions.

There were not so many women- as men-convents. In the year 973, there were nine in Bavaria, seven in Suabia, ten in Franconia, one in Thuringia, and thirty in Saxony, where the women of the Ludolfingian family had done a great deal in behalf of the convents and were themselves excellent abbesses.

The nuns were not consecrated as priestesses; and not all the monks were priests, but the abbots usually were. The priestly consecrations distinguished the *pater* (father) from the mere *frater* (brother).

Originally there were only Benedictines, who lived according to the rules of St. Benedict of Nursia (died 543), born near Spoleto. Those rules con-

sisted of the vows of poverty, chastity, obedience and stay in the convent. All in the old German convent lived in accordance with these rules, since those of Cluny only reestablished the Benedictine regulations, and were not of themselves new. The Benedictines wore black robes and were called "black monks."

The time of the greatest decline of priestly discipline in Italy was reached during the Ottonian period. It was much later in Germany, but not in the same degree. We hear many stories about monks who introduced their jovial sweethearts to the young, innocent Saxon, Otto III, and of a great number of new congregations. Thus, in 1086, Bruno of Cologne founded the order of the *Kartäuser*, for it lay in the narrow, romantic, beautiful valley of Chartreuse, near Grenoble. They lived in small separate huts, in quietude, contemplation and abstinence from meat. Norbert of Xanten founded the order of the Præmonstratensians in 1119, on a spot which he beheld in a vision, in the bishopric of Laon, while living in obedience to the rules of St. Augustine. They had an important share in the Christianization and colonization of the regions to the right of the Elbe. Their costume was wholly white. The order of the Cistercians was founded by Abbot Robert of Moleme in the bishopric of Langres, in 1098, in the lonely valley of Citeaux near Dijon. Their rules were based upon the Bene-

dictine, but they were compelled to work hard, especially in the fields. The council of all abbots of the order supervised their morals. Their costume was white with a black bonnet; outside of the convent it was gray. They were called the "gray brethren." In 1156, on the Carmel Mountain in the Holy Land, the convent of the Carmelites was founded by a Calabrian, and was ratified by the pope in 1226. The monks lived like the *Kartäuser* and rapidly spread over Europe after the loss of the Holy Land. Their costume was brown or dark-gray,—a cape with white, black and brown stripes, and a broad white hat. Later on, they wore only a black robe and a white scapular.

The founding of the more important orders of the Beggars took place in the beginning of the thirteenth century, at a time when the Church had almost entirely lost its lordship over the noble laymen, but was fully aware of the change of the time. They were founded in the country, but later appeared in flourishing cities, and sought a new sort of popularity. The founder of the Franciscans was Giovanni Bernardone (1182-1226) of Assisi, who, because of his knowledge of French, was called Francesco. Doing good deeds and begging other people's mercy, he wandered over the country. The name he chose, *fratres minores* (Minorites), expressed the humility of the members. Their rules preached the poverty of all, and begging for support. The regulations

were established in 1221, and two years later the pope sanctioned them. In conjunction with St. Clara of Assisi, Francesco founded the order of Clarissines, whose rules were formulated in 1224. This amiable man, who lived only to perform noble actions, and who was greatly beloved, was pronounced a saint as early as 1228. His memory has always been revered in history and legend. The Franciscans wore brown coarse cowls, with a rough cord as girdle, and sandals on their feet. The Capuchins were one of the many minor orders of the Franciscans. In 1215, the Spaniard Domingo founded the order of St. Dominick, based upon the rules of the Præmonstratensians. In 1220 they obtained permission to beg, and to use the name *Prædicatores*, (preaching monks). They became a scientific order as regarded teachings and doctrines, but always fought against heresy, in behalf of the Church. In 1232, they acquired the privilege of inquisition and were called *Domini canes*, (the bloodhounds of the Lord). The French Jacobins were also Dominicans, and the old Parisian monastery was on Jacob Street. The Dominicans wore white robes and a white scapula with a little cap. When they went out they donned a black cape with a bonnet of the same color. The Augustinians were originally a female order, founded in the second half of the twelfth century. Later this order joined the beggar orders. They wore white robes, a white

scapula, black cowls with long white sleeves, and a bonnet. Through the greatest of the Augustinians, Martin Luther, they influenced the costume of the Protestant priesthood.

After the twelfth century, there were homes in the larger cities, at first for women and later on for men, where aged and indigent persons were given shelter gratuitously. They were supported by charitable endowments. The laymen who lived in those homes, to whom something of the ecclesiastic life was also attached, were called *Beginis*, the male residents *Begardæ*. The meaning of the name has not been fully explained. In the late Middle Ages their common houses were the abode of heresy.

To these tedious enumerations we must add a list of terms used in the Church, with such explanations as are not generally known.

The northern side of the altar was called the gospel-side, the southern the epistle-side or chalice-side, because the chalice was kept there. Beneath the triumphal arch was the altar of the laymen, above which hung the great triumphal cross, with the picture of the Crucified. Field-altars were mentioned after the Carlovingian period. The antependium was a perpendicular board which adorned the edge of the altar. The Host was kept in a small box, the ciborium, which was suspended above the altar. The Monstrance was a transparent pyx, in

which the consecrated bread or host was shown, chiefly on Corpus Christi Day. It was introduced in 1263 or 1316, and originated in the doctrine of transubstantiation. After the Renaissance the Monstrance assumed the form of a beaming sun. The Host, kept by pincers, had the form of a crescent, and was called *Lunula*.

Relics appeared in great numbers after 962, and any way of acquiring them was considered right. More than one pious clergyman stole them from monasteries or from priests who had given him shelter and, singing and praying, returned home. Many an honest business man was also cheated by the Italians.

There were various forms of reliquaries, those resembling a sarcophagus being especially liked. The more recent reliquaries were called *ostensoriums*, and usually show through glass the costly dressed bodies of the dead saints.

The chalice, the oldest and most venerated vessel, consisted of foot, stem and cuppa. Gothic architecture began to adorn this originally plain cup. Crosses and crucifixes were also used in addition to the altar-cross, chiefly during processions. *Chrismatories* were chests for the bottles of chrism, or sacred oil. *Aquamanile* was the vessel used for washing the hands. In addition to all these, there were the censer, the little mass-bell and the various candelabra.

The stools of the clergymen and monks were where the choir stood. They were made of wood and richly decorated. Only the larger churches had organs, but bells were widely used. Where there were none, a horn was blown to call the people to the service. The bells hung in towers of wood, and later in those of stone. Thus they often outlasted an entire village whose houses were made of wood, and are seen to this day among ruins in desert places. The Cistercians were not allowed to build towers. In the church itself, the higher clergymen, the founders and the patrons of the church were buried. At first the bodies were placed in a niche, and later beneath the floor or in separate graves. Certain subjects and insignia were entombed with the dead, as were also tablets with biographical notes. Bishops were buried with leaden crosses, and kings each with the "grave-crown."

Austrian provinces contained the so-called graveyard-chapels which served to receive the excavated bodies from older graves.

At three o'clock in the morning the *Matutina*, (morning service) was held. It was changed later to an hour nearer the evening, and called *Vigilia*. Between 5 and 6 the *Prima Hora* took place, between 8 and 9 the *Tertia*, 11-12 the *Sixta*, 2-3 the *Nona*, 4-5 the *Vesper* (evening prayer). After the sun had set the completorium—the last prayer of the day—was said. The Ave Maria ringing after

the setting of the sun, was called also "the east bells."

As a model of a stately monastery, that of St. Gall, erected between 830-5, is worth being described briefly.

The monks themselves, according to ability, took part in the work, which had been wrought out by a man whose name is unknown. All the brethren, above all Monk Isanrich, were busy with the task unless they were obliged to hold the services. The entire structure was of rectangular form and contained forty separate houses. In the inner monastery was the church, 200 feet long, with two towers, a yard for walking, a dining parlor, a sleeping parlor, a separate dwelling for pilgrims and travelers, houses for those who took care of the poor and for the chief of the school, a writing room with six windows of glass, above it the library, a bath-house, baking house, brewery, kitchen with five ranges, and everything a monastery could need. All sorts of craftsmen dwelt there, such as coopers, tanners, shoemakers, signmakers, smiths, etc. There was a general cemetery and one for the brethren, an "inner" school for *pueri oblati*, (future monks), and a large hospital with a special church. Added to these were the apothecary, the residence of the physician, and a garden where healing herbs were cultivated. North of it were the "outer" school, the stately residence of the abbot decorated with paint-

ings and marble pillars, a separate bathhouse and a building for the servants. There was also a restaurant for distinguished foreigners. The library contained about 400 volumes.

The annals report with satisfaction how beautiful and stately everything was. The guests who found shelter in that refuge appreciated the sincere hospitality. Adalbert, Bishop of Augsburg, who came from Italy in 918, was a severe ecclesiastic prince, but he presented beautiful garments to the monks and adorned the abbot's dining room with splendid linen, rugs and silver cups. At Hersfeld, in 1004, the brethren had their separate residences, dressed with fine taste, invited each other to dinner, during which they were not forced to drink water, and spoke of many worldly affairs. This is by no means depravity, if we disregard the severe discipline and rules of the monastery, but the life of the rich.

Gradually the brethren as well as other clergymen became interested in literary activities and, if they happened to be chiefs of monasteries, assumed the difficult task of management.

Therefore, in the election of an abbot, the skill to rule and economical and practical genius were carefully looked for. He who possessed these qualities advanced rapidly.

A fine, typical bishop was Meinwerk, a very wealthy man, dome-canonist of Halberstadt. Henry

II, his old classmate of Hildesheim, chose him to endow the bishopric of Pordeborn, which was completed in 1009. He sent Meinwerk his glove as a sign that he presented him with Pordeborn, and he soon found he had the right man. Meinwerk accepted the post and took good care that Henry himself had large expenditures. Meinwerk possessed a characteristic, Low German humor, rather than knowledge, and Henry who was later on pronounced a saint had no little sport with his good friend, who had to put up with it. But he was a practical man and a politician. He made sure that good meals were served, not only on the clergymen's tables, but on those of the servants. He prowled around everywhere, often in disguise, to see if everything was right, and had no charity for laziness or negligence. One day he came upon a farm full of weeds. The farmer's wife, dressed very prettily, met him with a smile. Meinwerk ordered his servant to seize her, despite her dainty attire, and drag her along the garden until all the nettles were trodden down. In the following year he rejoiced to see the model appearance of the formerly neglected farm.

His contemporary, Bernward, furnishes a different picture. "Although," thus runs his biography, "Bernward greatly longed for the higher sciences, he mostly devoted himself to those easier arts which we call mechanical. He chiefly dis-

tinguished himself in the art of writing; but he was also devoted to painting and sculpture. He knew how to set valuable stones, and won fame in architecture. He built castles and walls, towers and aqueducts, manufactured bricks after his own invention, adorned the floors with colored stones and the wall with paintings. He also knew how to manage the affairs of the bishopric, and its finances. After the first service, which followed a short nap, he went with the other priests who were about him into the dome. After the prayer, he held the service. He then busied himself with public affairs, investigated the lawsuits and the affairs of the oppressed. Thus he awaited the priest who was to distribute the alms and care for the poor, for he supported more than one hundred people daily. After this he called upon the various craftsmen and tested their work. At about 9 o'clock he ate, and at the same time delivered a lengthy lecture to those present. He abstained from very good meals. After supper, before he went to sleep, he drank only once, usually not even once. Before his death he changed his costume with that of a monk and ordered that the bier with his body should be covered with a hairy cover, and not with a cloak as befits people of his standing."

The missionary, political and Germanizing tasks of the Church have been discussed in connection with the efforts of the rulers.

Ansgar (died 865), the first important preacher

of the German missionaries in the Germanic North, was very popular with the Germans. He was a Frank, born 801, who became a monk at Corvey, in Westphalia. In 826, he was selected by Louis I to accompany the Danish nobleman Harold, who had asked Louis for political aid, and on that occasion was converted to Christianity. The Danish prince, whose conversion was so unexpected and who thought only of his clan strifes at home, little knew how one should treat the servants of God. The journey led through Cologne, where the archbishop gave Ansgar and his voluntary companion Autbert a boat with two comfortable cabins. They passed Wyk near Duurstede, went through Frisian territory, and finally reached the Danish frontier. The two clergymen made an effort to buy young slaves in order to educate them in the tenets of Christianity. Harold gave them several servants. In 829, Ansgar was asked to appear before the emperor without delay: he was forbidden to shave his beard until he had appeared before his sovereign. The emperor wished to send him to the Swedes, who were well disposed toward Christianity. Gislemar took Ansgar's place among the Danes and was accompanied by a certain Witmar. Twice they were attacked by pirates. The first time they drove off their foes, but the second time the missionaries were defeated, lost their ship and all their belongings and with great difficulty escaped to the mainland.

Ansgar lost the presents he was bearing to the emperor, including forty books, and continued his journey on foot. Finally they entered the thronged harbor of Birka, near the modern Sigtuna. King Bjorn, after consulting his advisers, allowed the visitors to preach and hold services which "filled with joy the numerous Christian prisoners that had been taken by the Swedes." The distinguished Swede Herigar was converted and built a church on his estate. After a year and a half, Ansgar and Witmar returned home and brought to Emperor Louis a letter of Bjorn written by the king himself.

As a permanent center for future missionary work in the north, the emperor founded the Archbishopric of Hamburg and made Ansgar Archbishop. Gauzbert was dispatched to the Swedes with implements and much money and, aided by the people, he erected a church there. The Vikings, however, destroyed Hamburg, and in Sweden a part of the population drove the missionary out of the country and slew his nephew Nithard. Thenceforward Birka was without the Word of God. But Herigar and others remained Christians and gladly welcomed Ardgar, whom Ansgar had sent to them in 852. Meanwhile, Ansgar established Christianity firmly in Schleswig, where merchants from all countries met and where people lived who had been converted at Hamburg or Wyk. In response to more favorable reports from Sweden, Ansgar once

more went thither, his footsteps hastened by a letter from the Danish King Horich to Olaf, king of the Swedes. After a voyage of twenty days, he landed at Birka, where Herigar had died, and found all in confusion. He succeeded in persuading the *Thing* of the country to discuss Christianity and was again permitted to hold services. In all these instances, the kings were attracted toward the missionaries by the prospect of increasing their power by means of the new doctrine. The history of the conversion of the Scandinavians, in which England also took an important part, does not belong here. We have referred to it to show how Hamburg-Bremen became the Metropolitan See of the North.

We can speak only of "inner missionary" work since the time of the Orders of the Beggars. The Dominican Konrad of Marburg was a representative of this movement, while the Franciscan Berthold of Regensburg, (1220-72), was a popular, and at the same time successful, preacher.

In 1250, he left the monastery of Regensburg and traveled over the country as orator or exhorter until well past three-score years of age. He was active in Lower Bavaria, the Rhinelands, the Helvetian counties of Alemannia, Upper Germany, Hungary, Bohemia and Moravia. He erected his pulpit on hills or among trees and preached, surrounded by eagerly listening thousands who wished to hear and see him, but only those near him under-



**Monastery at Freiburg i. B. The two Gothic
Towers are the remnants of the Older
Romance Church.**

stood what he said and they told it to the others. He was the servant above all others that the declining Church needed. As to miracles, he said: "Behold, God performs his great miracles every day, and because they are done every day you do not want to believe in them." He demanded of his audience that they should be honest and pious, for, if not, confession and penitence, noble works, pilgrimages and indulgences were of no help. It was during the Interregnum, when private warfare prevailed, that this mighty orator preached his doctrine of justice and peace. This added immensely to his popularity and increased the reverence toward the Christian commandments in the eyes of all. The Church had many beloved orators who carried their audiences by storm and who thoroughly knew the people. Pastor Kneipp was another striking member of that consecrated group. Berthold possessed power and naturalness of speech and character and employed no ignoble means like the preacher Abraham a Sancta Clara. His addresses are read and enjoyed to this day.

CHAPTER V

THE CONSTITUTION OF THE STATE

FOR this period it is necessary to discuss the supreme power of the state, which aimed to penetrate the whole and sometimes succeeded, even if not so absolutely as in the Merovingian period. Hence at the head of the constitutional institution we place

THE KING.

The king obtained his office neither by inheritance nor election, but through a combination of heirship and election. Arnulf required of his people at the session of the parliament that they should acknowledge Louis the Child, because Otto I, the successor, was chosen on account of his right of inheritance.

There were no fixed rules governing the election of kings. In times of peace, formalities were little cared for. Otto III, for instance, was not elected upon Frankish soil, but at Ravenna. Yet in the choice of anti-kings or rulers of new families, all formalities were minutely observed. Electors were the entire "people," but later on they lost this privilege as a whole. Only the "powerful" or

“principes” and their adherents voted. The business of a new election was divided into two parts,—consultation by certain appointed committees, (called “caucussing” in these days), and the formal casting of the votes. From the latter solemn ceremony grew the right of certain princes to vote before the others. At the time of Frederick II, the Archbishops of Mainz, Trier and Cologne, the Rhenish Palsgrave, the Duke of Saxony, the Margrave of Brandenburg and the King of Bohemia possessed this privilege. The latter met with considerable difficulty, since he was not German. The ceremonies attending the election of popes greatly influenced those employed in selecting kings. From the privilege named sprang the custom of having only seven electors.

At Aachen or Aix, the king was anointed, in accordance with a custom described in the Old Testament. He then received the sword, the various parts of the ornaments, and lastly the crown. He was next led to the throne of Charlemagne. The archbishop performed these duties as a distinguished and priestly representative of all the subjects. Through the anointing, the king was the equal of the bishops,—an honor denied King Henry III by the Bishop of Liège, on the ground that the two anointings had different value. Te Deum, solemn mass and other ceremonies completed the coronation.

During the crowning of emperors, the magistrates and people of Rome went forth to meet the ruler with banners and crosses. The pope sent him a white horse, upon the back of which the king rode as supreme sovereign of the country. In front of St. Peter's the pope himself and a number of priests awaited him. One report regarding the ceremonies is as follows:

"Behind closed doors the king took the royal oath and then the pope opened the doors, pronouncing him Emperor of the Romans. The blessing near the tomb of Peter completed this pre-festival." During the main festival on the following day, the imperial crown lay on the altar of St. Peter, and the pope put it upon the head of the king, who soon laid it on the altar of St. Gregory. When leaving the church, the emperor held the stirrup for the pope, which was an ancient custom during processions.

At the close of the twelfth century the ceremonies were changed, in deference to the pope. The elected one was made a clergyman, and accordingly dressed in sandals and stockings, tunic and dalmatica. He was led before the tomb of St. Peter and anointed by the Cardinal of Ostia. He then received from the pope the crown, ring, sword, apple and scepter. After the service, his dress was changed by the palsegrave; the emperor held the stirrup for the pope, put the crown on his head and rode away with him.

During the coronation dinner, the emperor sat at the right of the pope. The people called aloud "Vivat," applauded the election, and many presents were distributed among them. If this was forgotten, as in 1155, the neglect was angrily resented.

As insignia and trinkets were mentioned the crown, the sword, the cape, golden bracelets, the wooden staff of the judge, the scepter with the eagle as a sign of the imperium, the imperial apple as a token of the power of the imperium, the seal, and, since Henry I, the holy lance, containing nails from the cross of Christ. Rudolf of Burgundy gave this to Burchard I of Suabia, who in turn presented it to the king. After the Interregnum, the imperial banner was also mentioned among the insignia. Henry I and Otto I carried banners adorned with the picture of St. Michael, the Christian heir of the sword-god Tiu, in the wars against the Hungarians. In the period of the Hohenstaufens we hear of the imperial banner on which was the black eagle, the symbol of courage and liberality. King and emperor wore the crown only at high festivals, like Christmas, Easter, Whitsuntide, or during processions, which were preceded by religious preparations, such as fasting.

The insignia of the empire have been preserved at Tilleda, Hagenau, Prague and Nürnberg since 1424, and from 1796, they have been kept in the royal treasury at Vienna. These emblems are partly

royal and partly imperial marks of distinction. The imperial crown dates from the tenth century, the stirrup comes from Konrad II, and the royal crown from Richard of Cornwall. Of garments, there were the alb, tunic, dalmatica, stole, two girdles, gloves, sandals and stockings. The coronation cloak was made at Palermo by Saracens for King Roger. The stockings and sandals are of the same origin.

The older rulers chose for queens noble Germanic women, including Lombards, Anglo-Saxons and Danes. After Otto I, the emperors sought to marry foreign princesses. The members of the royal family belonged to the high nobility, above which was the person of the king himself, but they were usually possessors of duchies or principalities.

The title of the king and the emperor passed through a series of changes which were significant.

The old Germanic king of the people was merely called "king." There was no *rex Franciæ* (king of the Frankish Empire), but a *rex Francorum* (king of the Franks). A change set in after the Carolingians. The ancient custom of lifting up on the shield was displaced by anointment through the representative of Christ on earth, and in accordance with a custom mentioned in the Old Testament.

The kingdom of the Carolingians had ceased being a kingdom of the people, and Pepin's great son Karl added to his title, "king of the Franks," the words *Dei gratia* (by the grace of God). When

obtaining the imperial crown from the hands of Pope Leo, he assumed the pompous title *Carolus serenissimus augustus, a Deo coronatus magnus pacificus imperator, Romanorum gubernans imperium, qui et per misericordiam Dei rex Francorum et Langobardorum* (Karl, most serene Augustus, by the grace of God great peace-loving emperor, ruling over the Roman Empire, and also by the mercy of God, King of the Franks and the Lombards).

Karl's son Louis was more modest. He limited the title to *imperator Augustus* (emperor Augustus), without any modifier, even without *Romanorum*. This title was maintained in later years. The post-Carlovingian kings of the eastern empire, who did not become emperors, Konrad I and Henry I and the others, were called only *rex* (king) without the addition of *Romanorum* or even *Francorum*. Meanwhile, Otto III, the admirer of Golden Rome, renewed the title of his grandfather "imperator Augustus" and added the word *Romanorum*. Since the time of Otto III, we hear of the "Roman emperor," and after that of the last Salic, of the "Roman king" or rather "king of the Romans." These terms have remained. There has never been a German king in official language. It was the Salians who began to count the names, and who took care not to forget the proper dignity belonging to them. Thus, for instance, the last of the Salians

was Henry VI as king, but as emperor he was the Fourth, since the first Saxon Henry was not an emperor. It must be remembered that there were frequent errors in the official counting.

The Hohenstaufen period brought changes. The word "Augustus" was applied to the king, the words "*et semper*" (and always) being added. When new titles were used, as when Henry VI and Frederick II became lords of Sicily, and Frederick II won the crown of Jerusalem, the "et" before "semper" was dropped, so that the main title became *Romanorum rex* (or *imperator*) *semper Augustus*. In later documents the word Augustus was translated by "increaser of the empire," [from *augere* (*sic?*) to increase].

The king lived agreeably to the law of the Carolingians, namely the Ripuarian, and became of age at fifteen years. According to Carolingian custom the king's guardians were his male relatives. This rule was acknowledged even during the Saxon period, but the recognition of female relations was opposed.

The government was wherever the king stayed, always accompanying him on his journeys through the empire. He could be approached everywhere, but he exercised the internal government by visiting the different sections. Whoever desired a favor brought presents with him, in the old naïve fashion. It was easier to reach the ear of the king than it is

today in constitutional governments. A very vague term was the "councilors" of the king, consisting chiefly of high clergymen whose duty it was to accept messages for him. The valuable presents they received at the courts they visited were no trifling compensation. Furthermore, everyone who traveled in the king's name had to be received and entertained gratuitously. Frequently a clergyman and a layman journeyed together, and as soon as the former ceased to be the main prop of the throne, the latter came to the fore.

Chancery and house-chapel of the king were identical, due to the fact that previously the majordomo asked his clergyman to write or supervise the documents. The Carolingian chancery was therefore a continuation of the Merovingian, the titles only being changed.

Cancelli were the closets in the Roman offices, and *cancellarii* were the officers in those rooms. *Referendarius* was the official through whom the applicants in ancient Rome negotiated with the emperor.

The old Germanic princes and kings had no agents. They lent their ears to everybody who demanded it, and gave their verdict before the assembly of the people. This was possible so long as the conditions were simple, the states small and education and knowledge inconsiderable. The practice was no longer possible after those little states had conquered their neighboring territories, whose

culture and laws were much complicated. They adopted the imperial Roman chancery system with its unchanged forms and titles, and above all the Latin official language. In conquered Gaul, the Frankish Merovingians had their Roman chancery, whose chief bore the Roman title *referendarius*. They were Frankish laymen who had considerable knowledge of their own and foreign languages, especially Latin. They were early examples of the German ability to learn and accommodate itself to conditions. The *Referendarius* was the confidential person of the king and he often led the Frankish armies into battle. He wore the king's signet-stamp about his neck, and signed all documents, always writing the entire text himself. He usually gave first only the necessary hints, and by means of "chancery letter-writers," who were subalterns, made a clear copy. These amanuenses were called *cancellarii*.

In the time of the Carolingian dynasty, a clergyman was chief of the chancery. He was called deacon or notary, and later on chancellor. All important possessions of the court were preserved in the "Capella." Thus that sacred place was called because it held the Gallic-Frankish national relic, the little cloak of St. Martin of Tours (*capella*, diminutive of *cappa*—cape). There were also kept the most important documents and copies, and thus the capella became an archive.

The chancellor was responsible for all documents that were issued. After 854, he was called Lord Arch-chancellor. At the same time he was Arch-chaplain and first clergyman of the empire. In 870, the Archbishopric of Mainz was united with those offices. Archbishop and arch-chancery no longer conducted the work personally, but were represented by a plain chancellor, who was usually a clergyman acquainted with the laws, and who after a number of years was endowed with a bishopric.

It was an early ambition of the clergymen to bear the title of chancellor. While this honor had been forgotten in France, together with the old monarchy, it had been preserved in conservative England. The Lord High Chancellor of Great Britain is chief custodian of the seals, as he was in the time of the old German emperors.

All officers of the chancery have been clergymen, since the time of the Carolingians.

Worldly officers of the court were the royal cup-bearer, the marshal, and the chamberlain. There was also the office of a major-domo, in the time of Henry V, but it had no political importance.

The king was the supreme judge. He had to consult the assembly of the people of his empire about the election of a royal successor, and about the "constitution," which name had displaced the Carolingian "capitularies." This assembly settled

the quarrels between princes, also between king and princes, and often decided questions regarding the demeanor of the king. Royal engagements were usually discussed by the diet, and foreign ambassadors were received there. Such meetings lasted two or three days and sometimes for a fortnight.

Annals were kept from the time of Charlemagne, and the Ottonians and subsequent emperors paid special attention to contemporary historical writings, and generously encouraged the authors themselves.

THE EXCHEQUER

The imperial estate was identical with that of the king. His private expenditure was not separated from the former.

The gratuitous entertainment of the king and his adherents was no longer claimed in economically progressive Italy, and was displaced by a sum of money which corresponded to the *Fodrum* of the ancient Romans. The main sources for the royal means were still the domains which were scattered throughout the country and had their local or administrative centers in the larger royal courts and castles.

Goslar in Eastphalia, Dortmund in Westphalia, Aachen in Lorraine, Frankfort in Franconia, and others formed such centers of the imperial administration of the domains, round which were many

royal castles. In more important cities there were often different administrations. Thus Regensburg had that of the king, and the residence of the duke and the bishop. All Rhenish bishoprics possessed royal castles.

The Hohenstaufens did a great deal for the castles and the imperial domains. Frederick I enlarged the old Carolingian structure at Ingelheim. Of the one at Nymwegen the French people left only ruins (1796).

Very rich and important were the royal domains in the plains on the Upper Rhine, with its incomparable fertility, its mild, rainy climate, and its vines. This most highly developed region of Germany furnished the chief means of the king and his adherents. The region near the Harz, with the fertile "Golden Mead," also belonged to the most important royal domains. The Harz, itself, like all unsettled mountains and forests, was a royal possession. The domains were increased by estates that lost their owners or because of lack of heirs, or by confiscation and conquest. Thus the estates in the Slavic Marches were, according to law, the property of the king, who distributed it afterwards. The uniform and systematic classification of the domains by Charlemagne became gradually tangled and disconnected. The chief administrator of the domains was called *advocatus* (representative).

The domains of the Church were considered im-

perial property, managed by the Church, upon which the king could impose taxes for certain reasons. He also expected regular gifts from it, especially from the monasteries.

Tribute was paid by the Slavic lands which depended upon the empire, provided they had not been exempted like Poland, or were unwilling to contribute. Of the penalties imposed by the court, one-third was to go to the king, whose expenditures naturally were large. He had to endow the Church and reward his subjects, from the Arch-chancellor down to the court-jester and the gleeman, since there were no orders or titles at that time. Toll, mint and other regalia were in the hands of the owners of estates. Frequently the king exempted certain corporations from the payment of revenues. This caused general confusion. The tolls were exacted on certain places, and the privilege of coinage was in the hands of the king until the time of Louis the German. After the death of Otto I, it passed to the Duke of Suabia and Bavaria, as well as to bishops and certain monasteries. The privilege was often abused.

Credit must be given to Henry II as a practical financier of the empire. He placed the chief management of the domains in the hands of the famous Archbishop Giselher of Magdeburg, though he did not like him personally. Further, he preferred that the Church should be endowed by others.

Candidates for high ecclesiastic offices gave away only a little from the crown-demesne, and exempted none from the payment of revenues.

Public taxes were not exacted during the Middle Ages. It originated as *Bede* in the ecclesiastic provinces. The king had that *Bede* only where he possessed *dominium terræ*.

Though a great deal was spent from the exchequer and the imperial domains, real, outrageous squandering began with the anti-king Philip Otto IV. Frederick II and others were disgracefully robbed during the Interregnum.

OFFICERS AND PRINCES

The power of dukes originated in opposition to the constitution and ideas of the empire.

Tolerated and favored by the Merovingians, for it was profitable, the ducal power spread to other regions, but always as an institution of the families. The older Carlovingians fought against it, and Charlemagne tried to get on without dukedoms. In its military origin, the title "Dux" characterized which of the Roman generals of the great provinces bore it. After Karl, in the ninth century, the ducal power was revived.

Thus this title was the most direct for those whom the particularism of individual tribes considered no longer royal officers, but only local leaders. The

Lotaringi also felt themselves to be a tribe, because of the historical part they had played. The result of all this disputation was a compromise. The dukes obeyed, and were contented for the time with the rank of mere officers, but they were not permanently satisfied, and always considered themselves the representatives of the separate aims and efforts of the tribe. As to the privileges of the dukes, we have no clear information. At any rate, they were the military leaders of their tribes, and really owned the royal army. The duke could call a meeting of his tribe, which made it its business to discuss internal affairs, especially the territorial public peace. He was also supreme judge over a number of counties. He had no permanent residence, except in Bavaria. During the palsgaves of Otto I, these things grew more complicated. Their duty was to study the fiscal concerns of the state in the various tribal duchies, and to establish them firmly against the dukes.

After 976, when Carinthia was founded, there existed in addition non-tribal duchies, the number of which soon increased greatly. Frisia never knew of dukes, and Thuringia had none because of her connection with the Duchy of Saxony.

For the first time, the ducal title was bestowed upon the Zähringians, a family which until then had no duchy. Later on, the title was borne by other members of the family besides the senior, for

instance, by the Duke of Teck. During this period the division and dissolution of the old tribal duchies was brought about by Frederick I.

In the Marches of the empire, almost all of which were directed against the Slavs, the counts were the judges and administrators, and soon obtained the title mar(ch)grave; Latin *marchio*. As late as 890, this title was used officially. They were also mediators between the king and the managers of the March-counties of the interior.

Usually the margrave was at the same time count of a neighboring district which belonged to the empire, and which was introduced to strengthen his power or perhaps to increase his personal income. After the Marches were dissolved, the title margrave was still used, and bestowed upon certain families, for one reason or another.

The subjected Wendic and Slavic princes sprang from a native tribe which promised loyalty by shaking hands—a ceremony more highly esteemed than a heathen's oath by his gods. It was the duty of these tribesmen to exact and deliver the tribute, and to serve in the army if asked to do so.

The title *dux* remained with the ruler of Bohemia and that of Poland. We usually hear only of princes, "principes," and sometimes even of *rex*, (king). The Slavic title of a Slavic prince Knas or Kneese, derived from German *kuningas*, was frequently used by Germans after the Interregnum.

Their empire had about 200 counties, one containing as many as eight "associations of One Hundred."

It is obvious that these counties, supervised by royal officers, were lost as soon as they refused obedience. They controlled the army and the finances and were judges in the county and the royal domains. County Day occurred once in every three years. At these meetings, the affairs of the county were discussed, and the occasion was made use of for entering into private agreements, since witnesses and acquaintances were present. The military position of the duke was much reduced, but not abolished. It became customary to bestow the counties upon native wealthy landowners and to make them hereditary. This right of inheriting was recognized under Henry V and spread widely afterward. Thus the count became a distinguished landowner and was ranked among the princes. And since this was a matter of private law, the counties could be divided. They were dismembered and the individual districts ceased to be political bodies. The ancient Germanic confederacy of tribes was in this way brought to an end.

Certain count families had expanded over several districts, and others obtained control of the army. It became necessary to distinguish them from the ordinary counts, and accordingly since the twelfth century we hear of landgraves.

The most important were those of the Wartburg, for they were the landgraves of the entire Thuringian tribal territory and in 1180, after the overthrow of Henry the Lion, they became palsgraves of Saxony.

Such officers as lived in more important imperial or episcopal castles possessed local military power, and were called burggraves.

Originally they were not counts, but bailiffs (*Vogt*). They never obtained higher office, except for the Zollern Burggraves of Nürnberg, who became margraves and electors of Brandenburg.

Officers below the count were the hunnes (*hunno*), *centenarii*, or *vicarii* (substitutes), including the officers in the communities whose duty it was to exact taxes. They were called *schultheiss* or *schulze*, (bailiffs).

In the latter part of Barbarossa's reign, a procedure of great importance was introduced: the princely term was limited, the counts no longer being ranked among them.

The Dukes of Teck and of Brunswick also withdrew. Of the palsgraves only the Rhenish remained, a prince and the Suabian prince "of Tübingen," but not the Bavarian. The Saxon palsgrave was the Thuringian landgrave, who was the only one of the landgraves. Of the margraves, the princes were left. Of the clergymen, the archbishops and bishops were always considered princes,

except the Bishops of Kammin in Pomerania, and those of Prussia.

The whole constitution was changed, in more or less respects, and first through the Immunity.

According to Roman law this term signified that the possessor of immunity or his representative (*advocatus*) held judicial power over immense territory, while royal privileges and revenues belonged also to him. Immunity was likewise conferred upon people for less important purposes, such as exemption from making "presents" to the king, a favor which, for instance, was conferred upon the Abbots of Kempten, while relief from the duty of transporting royal messengers was given to the Bishops of Hessenried. To the most important younger immunities belonged the privileges of the Duchy of Austria, where daughters were enabled to inherit and were obliged to attend the Bavarian parliament and to participate in war if it should break out near the Austrian frontier.

Immunity brought more irregularity into the constitution. The feudal system did so still more by becoming an organization of itself, by disregarding the officials of the empire, and by depriving them of their power or entirely disposing of it.

CHAPTER VI

THE FEUDAL SYSTEM

THE origin of the feudal system in the Frankish Empire has been discussed in the previous volume. Almost anything and everything were influenced by it,—the supremacy of the German imperium over the Dānes and Hungarians, the appointment of archbishops and dukes, as well as the furnishing of the homes and fields of the military servants, and the distribution of the individual taxes, interest and slaves.

A wrought out feudal law did not exist in Germany, but a conventional one had been established from the beginning and maintained itself. The feud (*beneficium, feudum*) was conferred upon those who furnished soldiers (*hominium* or *homagium*), through certain tokens which were given to them, for instance, a glove or a staff, or a flag, or sword (as was the case when the kingdom was conferred upon someone), or by the scepter (in the case of ecclesiastic feuds), since 1122. If the feudal laws were violated, the violator was judged by his fellowmen who held feuds from the same lord, the latter presiding over the trial. One was de-

prived of his feud because of faithlessness, or felony, which included refusal to serve in the army in time of war.

The feuds could also be inherited, especially after the times of Konrad the Second. Since the twelfth century, the equipment of the originally unfree servants was also considered. The feudal system so markedly influenced all political and social affairs that the king or the emperor was considered the supreme feudal lord. People thus forgot that the former's position and privileges were ampler and older. They even went so far as to arrange the relationship to Christ and his disciples and also to the women according to the feudal laws, of which we shall speak later. We must mention that the crown had won many of its lost privileges through the feudal system.

To possess the "army-shield" (*Heerschield*) meant the ability to receive a feud. The different degrees were also called "army-shield." The first degree in the army-shield belonged to the king, the second to the ecclesiastical princes, the third to the temporal princes, the fourth to the free lords (*nobiles*), to whom after 1180 the counts also were attached, the fifth to the vassals of the *nobiles*, the sixth to the officers of the former.

The army-shield was no law, but a theory which prevailed for some time, and then like everything else was abandoned.

FREEDOM AND SLAVERY

The legal volumes of the thirteenth century reveal the following system with regard to the division of the social body: After the king we had the "most free" or "*semper* free," to whom belonged princes, dynasts, (that is, dukes without princely rank), counts and noblemen. The last were the owners of allodial estates, with their own judicial authority. Next to the landowners were the freemen, with their own estates and the privilege to preside at court, but they were not ranked among the noblemen. The third was the landowner with mere private privileges, constituting the last group of the freemen. They were called free-land residents because they resided as freemen upon their own estates. Taxes were frequently imposed upon them, especially when they resided within an immunity. Below them were the unfree.

The distinction between free and unfree was rigid and hard, specially after the creation of the French nobility.

There were slaves even in that period. They included the servants and maids upon the estate of the nobleman, who were employed in the kitchen and the household, in the stable, in the fields, and sometimes served as craftsmen. They could be sold, and their belongings went to their master at their deaths. In order to marry among each other they had to have

their owner's permission, and their children were born into slavery. The most unfortunate laborers were the slaves who were brought from beyond the border as captives, and they became the lowest of the unfree. Saxony had relatively the greatest number of native slaves, who were forbidden to marry a freeman or freewoman, under penalty of death. In Suabia, however, in case of such intermarriages, only one-half of the children were slaves; in Franconia all were in bondage. According to the Suabian popular law, the worth of a slave was 15 solidi, according to the Bavarian 20, and the Frankish 36 solidi. The next higher degree was the unfree tributaries, that is, people who were given land in payment for certain taxes and services. If the man died, the master could choose anything from his belongings. The supervisor of these unfree peasants was a "major." If the entire property was disposed of, it was sold to the new master. There were also freemen who had become tributaries. They were called *censuales*, sometimes *hobarii* (for they inhabited only one hide (*hufe*) of land), *rustici*, or *villani*.

COURT AND JUSTICE

The legislation of the country was confined to public peace. Safety of person or property was not considered important, but was sometimes attended to by powerful, energetic rulers.

We read of dramatic murders, of weddings which ended in blood and crime, of slain judges and counts, of local insurrection, of attack and capture of travelers, of kidnaping of women, of oppression of widows, of assaulted clergymen and vicious affrays. At the beginning of the eleventh century the Bishop of Worms referred to thirty-five of his slaves who had been slain during a rebellion. Furthermore, in old times bold violence was considered an act of distinction rather than of injustice. Self-protection and feud were not abandoned. Anybody could be indicted, but he who was the wealthier was at an advantage. Social and economical conditions changed but the administration of the law was at the lowest ebb, with scarcely any comprehension of it by the people. The layman, for instance, could not understand why the clergyman in Franconia received double pay, or the Bavarian monk six times the regular remuneration. The laws which regulated the penalty for violent acts were impotent. He who slew a Bavarian bishop had to pay as much gold as would fill a leaden cloak made for him. Although nobody could afford this, the bishop was more secure when accompanied by armed servants. Capital punishment after the Roman custom was not effective either. Education, and not wrath, tames fear.

In the year 843 when the treaty of Verdun was concluded, the royal palsgrave announced at the

court of Freising that robbers would be punished by hanging, thieves by the loss of a hand and foot or the nose, and by tattooing of the cheek. The local courts and the regulations regarding public peace evolved this new criminal law.

Reviewing all that we know regarding the foregoing, we must admit that the period succeeding 876 brought an increasing deterioration of safety and respect for the law. After Henry I, conditions improved, but grew worse again under Otto III, even though popular legends have much to say of the Wonder Child's love of justice. Henry I fought resolutely against local feuds and civil wars, and under Konrad and Henry conditions again changed for the better. The reign of Henry II was a struggle of all against all; civil wars raged, accompanied by highway robbery. The century following that period was spoken of as we speak of the Thirty Years' War. The dioceses of Liège and Cologne proclaimed the "Peace of God," (1081 and 1083), which peace was renewed from time to time. In 1116 and 1119, according to one authority, nobody cared in the least for it. Under the Hohenstaufen Frederick I, conditions again improved until, during the war for the throne, everything became topsy-turvy again, and private revenge did not even respect the person of King Philip.

The absence of King Frederick II, the enmity between him and Henry VII, the contrast among the

various classes brought back the evil conditions of former days. And soon after 1235, when public peace was established, that lawless period set in which, although kings existed, is none the less remembered as the "dreadful times," the Inter-regnum and the period of wild, private warfare (*Faustrecht*).

The popular laws which were written down in the Carolingian period could be read only by the priests; the layman had to depend wholly upon his memory. There were many copies in the different monasteries and they were used in schools. The Upper German monasteries had the Frankish, Alemannic and Bavarian lawbooks, but not the Saxon: the Saxons, on the other hand, disregarded the Upper German popular laws. The tribal territories were dismembered, German conscientiousness displaced the tribal one, but Upper and Lower Germany clearly felt the contrast. They were two distinct groups, linguistically and from the standpoint of law. Whatever was written in South Germany had to be translated in the North; the Low-German prince understood Latin rather than Middle High German.

The popular law and that of the country developed beside those of the courts and those relating to servants. The former regulated the relationship between the landowner and the unfree people who belonged to his court, or indicated their duties and

privileges. Judgment was passed in accordance with these laws. After the thirteenth century, they began to be written down as *Weistümer*. The latter prescribed the relationship between master and servants. The earliest of these, transcribed between 1023-25, concerned the "family," that is, those people who belonged to the Bishopric of Worms. Bishop Burchard was their author. The Cologne law regarding servants appeared about 1154. Referring to the feudal law, the *lex Lombarda* was given form in the first half of the eleventh century, and the *Libri feudorum*, was composed in 1158. Through the latter's connection with the "Corpus Juris" they became influential in Germany after the fourteenth and fifteenth centuries.

The thirteenth century was the period of important codifications in Germany. Between 1224-25, the "Saxon Mirror" was composed.

"Mirrors" (*specula*) were epitomes. The "Saxon Mirror" was the work of Judge Eike of Repgow, and was based upon customary Saxon and Suabian laws. It dealt with the regulations that changed or influenced royal constitutions; for instance, Frederick II's edicts regarding heresy. It affected also the land and feudal regulations and opposed the canonical laws and their influence upon the German legal system. It was translated into other dialects and languages, tastefully illustrated, and printed in 1474. Despite its private nature it greatly

influenced various fields of the law-system, even that of the state. All subsequent works were based more or less upon this creditable production.

The "Mirror of German People," written at Augsburg in the middle of the thirteenth century, was based upon no particular law, but gave general directions and was never used. Its foundation was Eike's work, which had been translated into Upper German, as well as Alemannic and Bavarian popular laws, and the legal Roman and canonical remnants. In 1275, the "Suabian Mirror" was sent forth and markedly influenced the law system of Bohemia and southern Germany, as the "Saxon Mirror" did that of Flanders and the region to Silesia and Eastland.

The city law of Soest in Westphalia, which belonged to the Archbishopric of Cologne, was the result of a council between the archbishop and citizens, held in 1150. This Soestian law was transferred to Lübeck by Henry the Lion, and became the mother law of many "Wendic Cities," and of places in Eastland and Courland. Individual cities including Riga, founded by Bremen, were influenced by the rules of Hamburg. Of great importance was the Magdeburg-Hallensian law which was based upon the "Saxon Mirror." Many Saxon city laws, including those of Goslar, Bohemia, Silesia, Poland, Lithuania, and Prussia, belonged to it. The Suabian, Bavarian, and Austrian city laws

were greatly influenced by the "Suabian Mirror," Austria, Enns and Vienna being the models. The law of Prague was independent, though based upon German law.

Germany had an important share in the codification of the canonical ecclesiastical law.

It originated in decisions of the pope, which were based upon genuine or spurious doctrines of the Church, as well as upon the Roman law, but was at the same time in harmony with the German legal institutions. Upon these were built the "canones," wrought out by the famous chronicler Regino of Prüm and Bishop Burchard of Worms. It contained 1784 sentences taken from the Bible, with references to the patriarchs, decisions of the councils and the pope, without the least addition of Burchard, as he himself boasted. It was widely used, and in the sixteenth century was frequently printed.

With regard to the judicial system, there remained the ancient country courts situated in the county.

The count himself or his representative was called country judge. The court convened on certain dates, once, twice, or even three times a year. It was named for the season in which it convened: March-Thing, May-Thing, etc. These country courts were gradually displaced by the city courts. A remnant of the former was the "Fem-court" founded in the late Middle Ages. The associations sometimes decided about their affairs by means of

jurors and a president. All the courts were considered non-political bodies, and, in the sense of their Germanic origin, a meeting of the people of the community.

The Church decided concerning the discipline of its members, in matters relating both to the criminal and the civil law. As time went on, the most complex compromises were brought about. The Church also strove to obtain judicial power over the laymen.

All this met with considerable success. The pope and even archbishops could excommunicate the emperor, a penalty which excluded him from the Last Supper or all ecclesiastical community. Both excommunication and interdiction were enforced against laymen, entire cities and sections. Above all, the Church succeeded in obtaining authority in matters regarding sacrilege, perjury, sorcery, blasphemy, heresy, usury and matrimony. Charlemagne had ordered that the bishops who visited the various dioceses should judge in the case of crimes committed against the Church and concerning morals in the "Synod," by means of free honest people who had taken an oath. Out of this developed the "synod-courts," which were controlled by the archdeacon. They tried matters relating to offenses against the forest and fields. As time passed, they were much resisted by laymen and even bishops, as the archdeacon seemed to have become

too independent. The former founded the "official courts" in the bishopric as a center of the jurisdiction of the diocese. The officials were jurists who had studied in Italy and who clung to the canonical as well as to the Roman law. They greatly influenced civil feuds, since these official courts worked thoroughly and quickly. They were the basis of the notary-public system of Germany. To them was also due the expansion of the Roman law throughout Germany. They used it for their clients, and circulated the terms of the Roman rule among the laymen, thus displacing most of the German legal terms.

We return to the Germanic procedure. Every court had its own judge, who presided at the trial, whether the defendant was the king, the prince, the count, the "advocatus," the feudal lord, or the landowner. The decision was made by the people of the whole community, who were asked to attend the country court. Through acclamation or refusing consent they could change the verdict. After the Frankish period the sentence was passed by the "jurors," as they were called, after the oath they were obliged to take. They were known also as *Schöffen* (from *skabjan*, to arrange).

In most trials seven or twelve *Schöffen* were employed. The judge could not be a Jew, heathen, or heretic, he must be of legal birth (since the early Middle Ages), not too young nor too old,

not lame, blind, or dumb; he was not allowed to curse, could not be wrathful nor lazy, and must be temperate while eating, drinking and in other things. His virtues were justice, wisdom, strength, and the *Masse* (modesty). They were required also to be honest and trustworthy people, and before an execution were obliged to abstain from food or drink. They received part of the penalty that was imposed and thus were rewarded for their time. In theory at least those ancient judges were models beyond compare.

The sessions of the court were held in the meeting-places of the "associations of one hundred," the so-called *Malberge*. Later on, special buildings were erected for the purposes above named.

As *Malberge* they generally used visible, open places,—bare hills, crossroads, bridges, the plot before the church or the smithy. A tall, beautiful tree usually grew there, and was desirable on account of sun or rain. The tree, as a rule, was the linden, which to this day is found in such locations. Already, under Louis I, protecting roofs were erected above such meeting places.

The country courts abstained largely from practical innovations, and even increased their traditional customs.

At the opening of the court, the judge sat in his chair, the sword above his knees, the staff in his hands, without cap, hat, or bonnet or gloves, and

with the cape round his shoulders. He questioned the interested parties and they answered. Evidence was established by oath and witnesses, by combat or by other devices. The plaintiff indicted the defendant, and if he did not appear at court after three indictments, that is, forty-five days, he was sentenced by default. If one was caught in the commission of a crime, he was punished without previous indictment. The judges were asked to think well over the verdict. Whenever one was about to be sentenced to death the judge broke his staff, (still a custom in the Grand Duchy of Baden), which indicated that all relations with the malefactor were broken off. Almost all crimes were considered as violations of peace, and a part of the penalty belonged to the royal treasury. Excommunication had lost its force because of changed social conditions; it was, moreover, a form of compelling accused persons to obey and pay for their crimes.

The feudal laws existed as heretofore, but the people strove to limit their power and to make use of the ancient formalities.

Feud fell upon the malefactor or his sons, but not upon other members of the family. He who was persecuted by feud had peace only in the church and at court, or on the road which led thereto, and in his own house.

Between the verdict of the court and feud there was divine judgment, especially the combat, a means

of proving the defendant's innocence. The king and other great landowners, accused women and sick people could send representatives. Many times women pleaded their own cause. Therein the law declared that woman is only "one-half of man." He therefore stood in a ditch when fighting for a woman. The combatants were dressed very lightly. The punishment of the defeated party was severe.

The selling and transfer of property took place in a more visible and impressive form. It was by offering a twig, turf and stalk, if a piece of land was sold, as symbols of the land, or by throwing a piece of earth at the buyer, by leaping from the sold land, etc. It was arranged that many young witnesses should be present, in order that they might remember the occurrence for a long time. From this developed the custom (prevalent until the nineteenth century) of taking schoolboys, softly slapping each one's face, and then presenting him with a piece of candy as the pleasanter part of the procedure.

All Germanic and German documental systems go back to the late Roman.

We have already spoken of the royal chance. It remains to discuss the manner in which papers were prepared and made valid.

In order to render the Merovingian documents valid and ratified, the kings who knew how to write signed them, for instance, *Dagobertus rex subscripsi* (I King D. have signed), and all through

the parchment the royal seal was stamped. The Merovingians used for a "seal" their own picture with long hair, around which were name and title.

In the Carolingian period the documents were not signed, because Pepin and Karl were unequal to the task, but they could wield the sword far better than the effeminate, educated, erudite later Merovingians. Pepin put a cross under the text of the document. In Karl's time the letters of his name were worked into this cross. Thus originated the "monograms" of the medieval emperors.

Surprisingly pretty were the seals of the Carolingians, and many an admirer of history has been deceived regarding them. Though the profile portraits were individually and technically finished, they did not represent the Carolingians, but were ancient pictures set in metal and bearing Carolingian inscriptions. The custom was due to the early Roman, much-worn rings. The Pepin seal had a Bacchus' head with vine and ivy twined through the hair. Karl's seal displayed the beautiful portrait of the miserable emperor Commodus, and Karlmann's the bust of a Bacchanal. The later Carolingians' seals bore the emperor's portrait with shield and banner, and sometimes a crown. With Otto III, began the seals, which represented the whole figure of the monarch seated on his throne. After the time of Barbarossa the seal was not

stamped through the parchment, but hung upon a silk thread.

There were private documents in Germany which were written after Roman tradition, and were not sealed. The German laymen were not partial to them. Their purpose was, as minutely worked out documents, to help to prove a business transaction concluded before witnesses. The old Thuringians, Saxons and Frisians never cared for such documents, but their use spread widely in Frankish, Alemannic and Bavarian regions during the Carolingian period. There people came in contact with Romance nations who lived in accordance with ancient Roman laws. Most of the monasteries recognized at an early period the value of writing down their acquisitions.

The transition from the time in which there were no documents to the period in which they existed was due to the fact that people began to issue written papers besides other symbols of the transaction, which were picked up from the ground that was to be sold. Later on, the document alone sufficed. It was the evidence of the sold object and helped people to remember the transaction. It did not, however, prove ownership as did the royal document. After the Carolingians this private documental system was forgotten in Frankish-Alemannic-Bavarian Germany. The more popular attitude once more prevailed of concluding business

by means of visible actions. Thus the large feuds were bestowed by the emperor, and the receiver cared for no written paper so long as he got the feudal flag. The case of the ecclesiastical corporations was different. Whenever they did not receive documents with the donations, they made short notes regarding the transaction and put them into their so-called traditional books. They also wrote down everything respecting their income and rents.

The increase in territory of the ecclesiastical and temporal lords brought a change. The former established their own chancery and, like the king, signed their documents. Since the tenth century we find every now and then seals of ecclesiastic princes. This caused confidence in those laymen who could read. The seal of the document, which everybody could recognize, proved its genuineness. In the tenth century seals of dukes were known, and also later in the eleventh century. Unlike the twelfth, the seal showed typical pictures of a standing man who, with a curved staff, symbolized his position. Later, in the last decade of the first half of the century, the portrait of the great temporal prince was changed to that of a knight. Towards the end of the century there were also coats-of-arms on the seal of the laymen, and in the thirteenth century all that possessed a coat-of-arms were entitled to the seal. Besides the main one there were so-called "secret" seals which were frequently added to the

former. In connection with all this, a documentary mania ensued which rapidly spread for many generations. The seal-documents displaced another form, the so-called chirographs, notes regarding exchanges, and similar legal transactions. These were written twice on the same parchment and then cut out in the form of an arch. If suit was brought, both documents were compared and thus their genuineness was proved. They had a single fault: if the antagonist did not procure his copy, the effect was incomplete. This was the reason for the seal-documents gaining the upper hand. They were not signed but were sealed; whoever possessed no seal obtained that of the city or the court, which was hung on his document. The sealing of documents by others besides the persons concerned became very common after the thirteenth century.

The old hand-mark displaced the coat-of-arms. The former is very old and was not attached to a person, but to property. It indicated property that belonged to one community, and as it was inherited, so was the sign, or if the owner was changed the "hand-mark" went to the purchaser. Such marks were carved into wooden staves whenever fields were distributed by lot, and to this day it is customary on the small island of Hiddensöe, near Rügen.

Documents without seal were introduced by the notaries of Germany. Down to the late Middle

Ages the word "notary" in Germany meant a clerk of the chancery, or a private clerk. With the increasing dominance of Roman law arose the public notaries, who had always existed in Italy. The notary signed the document, which was trustworthy through his peculiar sign (a plain cross in Italy), or a peculiar geometrical figure, sometimes allegorical, which was often stamped upon the document. This fashion was more highly developed toward the close of the Middle Ages and because of the notarial system introduced by Maximilian in the year 1512.

CHAPTER VII

ECONOMIC CONDITIONS

OVER all medieval change hovered a certain lack of self-confidence and elasticity. The strict ecclesiastical theory had never been able to suspend the work, nor did it attempt radically to do so. The Church had rather combated idle disposition toward sin. It also praised the lower kinds of employment as a sort of asceticism. But it bore in memory the words by which Mary extolled Martha. Thus a discord was brought about which even the artificial dialectics of the Church could not set aside. It protested against property, and the sound, just idea of possession. As early as the fourth century it was forbidden to let capital work by means of interest. This law was maintained in the period of Charlemagne and those of the subsequent emperors. The fundamental opposition to "Moloch Money" established a logical basis for social-political measures. Charlemagne forbade, in 806, the purchase of all the corn and its hoarding in order to obtain a higher price, and, in 1156, Frederick I established a fixed charge and thus checked speculation in times of famine and bad

harvest. Karl also forbade, in 808, the transactions through brokers, by punishing those who demanded more than the cost of production.

Thus theory and official measures, together with a flux of money through the importations into southern Europe—from the Asiatic East—brought about a natural economic instead of a monetary system (*Geldwirtschaft* in place of *Naturakwirtschaft*). Products were exchanged, taxes and imposed penalties were paid by means of cattle, or personal service; debts or wages were liquidated by movable property. Specie served for computing only. The Crusades, which greatly affected all economic conditions, made an end of the old prohibitions and revived anew the monetary policy.

Down to this transition the period was influenced by the Dominion of Landowners (*Grundherrschaft*), of whose origin we have learned. But even at the beginning there was a free peasantry. We may safely say that the Germany of those days was a land of peasants, from whom the landowners conquered considerable territory that was partly connected and partly scattered.

Since historical life never rests, many changes in the conditions of the owners, of property and economy were brought about during that period. These changes produced a further expansion of the landowners and on the other hand they caused their dissolution. They led to the former through the

fact that the government conferred upon the feudal lords the imposition of taxes for military, governmental and judicial purposes. This brought the fully free man into touch with the landowner, and his taxes assumed the character of a tribute exacted from his property. The landowners by and by took possession of the common property, (*Allmende*). Previously they had done so to a great extent by becoming masters of the community to which these *Allmende* belonged. In other cases, the ancient margrave remained their administrator, but a portion of the populace had become landowners who played an important part in the Thing-assembly. Even in this respect the free peasants came in contact with the superior and privileged landowners. It was highly valuable for the latter to make use of those properties; for they could employ their servants in producing tillable soil out of moorland and marshes, bushes and heaths. This caused a dissolution of the dominion of the landowners, since the old property was used by their officers and adherents. There was not much occupation for the slaves, because of which they were used to produce productive soil by fertilization. As a consequence, there was very little untillable land in the progressive and densely populated regions of Germany, especially in the Rhine-provinces. The *Allmende* disappeared and the value of property has greatly increased. The people at times went

too far and colonized a good deal of ground at a disadvantage.

The numerous "disappeared" places in those regions were not all destroyed by war, since fertile lands remained even after the devastation, and the hut of the peasant with its cheap material could easily be restored. Wars caused the disappearance of entire places only where they also radically destroyed the population, thus annihilating whole regions. Besides, villages and colonies were often given up to their inhabitants because they were founded on economically unfavorable ground. Nothing remained of them save a few poor cabins, which became an asylum for all sorts of vagabonds and refugees.

The ancient direct administration of ecclesiastical or temporal landowners, of their numerous magistrates, and their districts with their adherents of various classes, went to pieces.

Inheritance and the feudal system greatly influenced office, as it always did throughout the German Middle Ages. The bailiff (farmer), originally only a supervisor of the landowner's estates, became an independent receiver of taxes, in exchange for which he rendered his lord certain services. Thus his property grew to be hereditary, and the bailiffs themselves rose to knightly rank and called themselves after their residence, (for instance, the old family "Bailiffs of Kronau"). Others remained

as local potentates, living in accordance with their traditional customs, and proudly called themselves merely "Bailiffs," (Farmers, *Meier*).

Many of the originally unfree servants became knights with the progress of time. Then they too received a feud from the landowners. Their estate, called *Salland*, shrank more and more. Meanwhile, economical technic greatly advanced; the master saw a marked advantage in letting his unfree people work independently, and in simply requiring rental from them. Since both free and unfree people paid tribute to their master, the unfree far outnumbering the freemen, this distinction vanished, and freedom as a social criterion gradually passed into oblivion, (yet not in court). The dependence from the master was valuable for the latter only as tribute and thus the older forms of mutual relation and distribution of land were dissolved through the conferring of hereditary feuds. This corresponded to the Roman-legal emphyteusis. The master was at a greater advantage if the property holders became hereditary farmers. The land that had been made tillable was divided and rented to them. Tribute was paid in the form of horses and cattle until the period of the Hohenstaufens; later the monetary system was introduced. The composition of the peasantry, and the country population was greatly changed through these reforms. The old class distinctions were best seen in the various courts of

law, for which regulations were established as early as in the thirteenth century, owing to Frederick I's love for systematic arrangement.

One hide of land contained from 30 to 60 acres, according to the value of the ground. The old equality of possession had ceased on account of the creation of individual property and the changes through inheritance, soil, or business transactions of various sorts. The hides still existed, but each person had only a portion.

As to the tilling of the ground we can say little, for climate, nature of the soil, population and culture had much to do with it. The usual method was the so-called *Dreifelderwirtschaft*, especially known in the times of Charlemagne.

The entire field was divided into three parts. The hides of the different villages lay scattered among those divisions. One bore winter-fruit and was always manured, the second, which was unmanured, produced summer-fruit, the third was tilled only in the second year.

Of relatively great importance was the keeping of cattle.

These always went to pasture wherever there was such, and to the untilled parts of the field as well, wherefore fences were more widely used than today to keep the cattle away from the tilled field. Later, the cultivation of the meadows set in, which furnished hay and aftermath. It goes without saying

that the nature of the soil was of the highest moment, and the mountainous valleys of southern Germany and the Alps ranked foremost among all the fields in cultivation.

The horse became of greater value than in ancient times when the whole Germanic army fought on foot. The people rode on almost every occasion. He was the only working quadruped of the peasant, even in the regions where the ox was afterward largely used. The breeding of oxen or cows increased with the rise and growth of the cities, since their inhabitants depended upon the country for milk and meat products. The cultivation of sheep also grew, for woolens gradually displaced leather, fur and linen for dresses and the furnishing of houses. The feeding of swine was not neglected. Chickens, geese and ducks completed the household. Gorgeous birds were also mentioned and wax and honey were more widely used than today.

From the end of the ninth century, the period of the Carlovingians, we are given an insight into the economic conditions. One pound of wax was valued at one denar, two chickens the same, one plowshare four denars, one ox five, a swine four to twelve, a linen dress for a woman eight, while two acres of ground were worth as much as sixteen denars. Land and oxen, or cows, were not very valuable, but their worth increased during the period

named. The most prized of all domestic animals was the horse, the price of which was not fixed. In the thirteenth century at certain times nine oxen and considerable raw-material, also corn, were offered for a single horse.

To the woman belonged everything that was connected with dressing. It need not be said that they also had to care for the household.

In all the popular customs which were darkened by mythological conceptions that are still drastic, the women were obliged to attend to the growing of flax after it was sown. They blued it, hatched it, spun it with the hand-spindle, holding the distaff with their knees, or under their arm, or in their girdle, a practice seen in Italy today. The loom was known to the world for many years and the German of the Middle Ages knew how to weave beautiful samples and braids. Not until after the twelfth century were Byzantinian, Saracen, and Persian models adopted.

The various uses of texture led to the more intensive evolution of the trades. The oldest was the production limited through one's own need. The landowners produced more than was required and naturally strove to sell the difference, as is the practice in the Bavarian court today, or with the king of Würtemberg. Labor was systematized after the fashion of manufacturing concerns, and its division as prescribed by Charlemagne in his edicts

could not be maintained in Germany, especially in the regions to the right of the Rhine. People and conditions had a rather rustic character. In addition to this, there was the constant transition of un-free people into a tribute-paying peasantry. Such tribute consisted in a part of the harvest and of the products manufactured at home.

The landowners kept workmen employed ✓ mainly upon the raw materials.

There were weavers, tanners, shoemakers, sad-✓dlers, smiths, masons, bricklayers, bakers, butchers, waiters, brewers, coopers, etc. They were superintended by an expert "master"; the others were called journeymen. Master and journeymen made up an "officium" or office. The terms office, master and journeymen were in vogue when the trades were freed from the landowners.

Other trades supported by the landowners, who ✓ did not deem it well to free themselves from rural conditions, again connected themselves with the peasantry,—such, for instance, as the miller-trade. The landowner always gave the mill which belonged to the estate to individual farmers. Since the landowners depended upon these mills, the millers were forced to grind. The farriers also were connected ✓ with the individual villages. Miller and smith became important personages among the people of the villages and they preferred to be known by their trade-name rather than by their (fore-) name.

The same is to be said of most of the peasants. Finally these, too, were called after their stately farms, which also bore a title that has to this day displaced the family-names in certain regions.

The landowner could exchange all of the income, whether in corn, work, or tribute. Till the twelfth century money remained only a "*tertium comparationis*," for theoretical computations. For these exchanges certain and well-known locations were needed, which possessed all the necessary conveniences. These were the market-places.

COMMERCE

Since Old Germanic times there had developed a certain commercial system out of the meeting at the *Thing*, first in the form of business agreements among the participants, and second in the organization of professional brokers. This primitive method lacked special protection in the case of those who did not belong to a tribe or clan. Hence the market system came into being after royal protection extended its assistance.

Thus the markets with their care and encouragement became part of the regalia, a reservation of the royal government which exacted taxes, but also looked after the practical contrivances, buildings, supervision of the markets, etc. Since the land-

owners became interested in having suitable market-places near their estates, they obtained permission from the king to become themselves their enterprisers. In other words, they brought the market under their regalia as they had done with other affairs. The Carolingians administered them personally and sometimes asked others to exact taxes. Since Otto I bishops were endowed with market-places, and after Otto III landowners were similarly favored. Since about the year 1000, a strong movement had set in regarding the founding of markets. In the Saxon-Salic period nine times as many of them were in the hands of the clergymen as in those of the laymen. The number of the princely markets and those of the landowners was greater than that of those which had remained under the royal government. The German kingdom would have had a different history if it had like others held market-places and cities under its control. A future universal imperial tax became impossible through the dissolution of the former.

The workingmen of the landowners could live nowhere more conveniently than in the markets, and the landowner who owned the places provided the arrangements. The markets were also inhabited by merchants and professional business men.

There is little to be said concerning the commercial spirit in the early Middle Ages.

This was probably due to the fact that the pious

Germans obeyed conscientiously the law against usury, at least those in the south did, whereas the Saxons cared little about it. Through this law the borrowing of money was stopped and an increase in enterprises followed. The taking of pledges was allowed: the Church itself greatly augmented its estates through such forms of credit, which were chiefly of an agrarian character. This law, however, did not affect the Jews, who became the only real lenders of money. The influence of the Crusades upon German well-to-do people was so marked that both ecclesiastical and worldly, as well as Christian organizations, made use of the Jews who did business for them. And the prohibition against usury lost its force, or was set aside through new provisions.

The persecution of the Jews in the Middle Ages, which was increased horribly by the rabble, and the laws that were enforced against them, were proofs that their wealth and power were intolerable to their Christian fellowmen. The "religious hatred" toward them was only a secondary result, an accompanying phenomenon of the social order. The oldest reports of Jewish communities in German territory show that they migrated thither from the ancient Roman and episcopal cities, and that they followed the expansion of the Church into the newly founded episcopal cities. The oldest mention of separate Jewish quarters in German cities is in a document

of the year 1007 relating to the city of Regensburg. Anger against and persecution of the Jews are spoken of in the eleventh century. They became more frequent and general after 1096. Both rulers and popes protected them, the former being paid for the protection they rendered. The popes at the same time sympathized with the Christians, ascribing the cause of their resentment to the usury extorted by the Jews. The Lateran Council of 1215 strictly forbade the Christians dealing with the usurious Jews, on the ground that if they did so their property would be devoured in a short time. The Jews were compelled to wear a special costume, in order that they might always be distinguished from the Gentiles. Being forewarned the Christians would thus be forearmed.

Germany's position in the commerce of the world ✓
was not a favorable one.

From the greatest territory of production and commerce of those times, the entire Occident was excluded. The Indian Ocean and the trade which extended from China to southeast Africa and the Persian Gulf, the center of which was India, considered with Malacca, the "Golden Chersonesus" as the geographer Ptolemy calls it, was a closed door to the Occident. To these places sailed from the West, from the Red Sea, and the Persian Gulf only the Saracens, upon whose commerce southern Europe depended. Commercial highways extended

from India across the Black Sea through Russia, rich in navigable streams, as far as Novgorod, and to the Baltic, others—the ancient Phœnician roads—led through the Mediterranean into Italy and southern Gaul, the Saracen Iberia, and through the Gates of Hercules to England. There was also a caravan route from the Ganges to the Caspian Sea, and thence to the Baltic. Upon the North-European line, also from Russia to England, an active commerce continued. The Scandinavians and Slavs participated largely in it, for the former maintained the ancient intimate relationship with the Germans, by way of the sea and rivers, while the Germans who belonged to the empire lost their old confidence in the sea during the territorial gravitation of the empire, and the influential agrarian and feudal forms of life. Long forgotten were the times in which the ships of the tribes that made up the Frankish confederacy were feared along the whole Roman coast, and for decades the Germans as far as the Moselle lived in constant dread of the Normans and Vikings. Though something of the navigation of the Frisians and Saxons had been left, it was insignificant compared with the Scandinavian-Slavic-Byzantinian commerce in the Baltic, the wealth of the center of the Baltic navigation, Gotland, and the great commercial places at the mouth of the rivers, and finally the Wendic Jumne-Jummeta-Vineta, called Jonesburg by the northern

Germans. On Gotland, down to 1873, thirteen hundred Arabian silver coins had been found.

Thus Germany scarcely participated in the commerce of Europe except near the frontier. The gradual national unification of the German tribes was greatly influenced by the fact that they depended upon the outer world commercially.

Germany saw all the time that foreign merchants and a portion of the Mediterranean-North-European commerce preferred the route by water to that across the Alps and along the Rhine, the big "street" of the empire. Despite all this, the eyes of the Germans were turned toward the world and its commerce. Thus, in 1017, Bishop Thietmar of Merseburg learned that four large ships of the Venetians were sunk with their loads of spices, and he made a record of it in his annals.

When, however, in the following century the Italian seaports, because of the Crusades, communicated directly with the Saracens, and the Occidental commerce of the Levant, Germany began also to be largely influenced by it. She was awakened from her quietude by the Crusades and the imports of the Orient became more numerous and comparatively cheaper. While in the Carlovingian-Ottonian period those German market-places which lie towards northern Europe and the Slavic regions were chiefly heard of, they were displaced by Alpine stations and upper German commercial cities, since

the distance traveled by the products of the Levant and eastern Asia was considerably shortened by the Italian route. The old highways from the Balkan through Pannonia into Germany had been interrupted by the Avars and Hungarians, while with Italy the political connection held reciprocal relations across the Alps. An independent commerce was soon created in South Germany,—something which the lower German coast lands had never lacked. The upper German cities flourished and their merchants pushed their way into Italy.

The articles of commerce were numerous and varied. Fur was brought from the northeast, and fish from the North Sea, chiefly by the Frisians, who sold also their own products,—cheese, coarse woolen and linen. To Italy, in the Ottonian period, were exported Alemannic horses, German leather goods, Saxon saddles and Saxon straw hats.

Swords and other weapons manufactured by German smiths were chiefly exported to the eastern world. The course was by way of Bardowik to the great commercial center Jumne, on the Isle of Wollin, and to the various groups of western Slavs, then to the south including the Bulgarians, and to the Arabs. The German exporters were able to converse with all aliens, each in his own language: The Saracens could look upon German inscriptions on weapons of German origin, and find, that the

script—the majusculæ of Occidental palæography—were more even and clear than were the Greek letters of that time.

The commerce of the Mediterranean brought pepper, cinnamon, and other spices to Germany, including ivory, paints, conserved palm twigs, precious cloth, linen, and silks of different colors.

The trade of the Arabs who had occupied the east and the west of the Mediterranean was turned towards the Slavs and the pagan northern regions, rather than towards Germany.

The Jews maintained relations with the Arabs and mutual agencies were established. They jocosely called the Czech Bohemia the “Promised Land,” for girls and boys could be bought there as conveniently as in the more distant Russia. St. Adalbert of Prague strove to end this, but did not succeed. The thrifty Jews carried out measures which enabled their young men to act as servants of the harem, in place of their Mohammedan friends, who were forbidden to do such service.

Throughout the Crusades, the evolution of the Occidental spirit of enterprise pushed back the Arabs, and the Italians established themselves on the Black Sea, and extended the navigation and the connection of the Rhine with the North Sea and other parts of the North-European world. In other words, the ancient eastern European roads of communication were forgotten, and the cities in

Italy, on the Rhine and in the Netherlands flourished.

RISE OF CITIES

The origin of the bourgeois was parallel with that of knighthood. In each the lower classes struggled after a higher social standard, striving to make all distinctions of birth disappear, and to create new norms of freedom and distinction. Further, the two were parallel in the variety of those norms and conditions of evolution.

Germany had cities through the Romans, but lacked government of them. They were communities within the constitution of a county or, as was often the case, were immunity districts.

They had the old Roman fortifications of walls, towers and gates. In the ninth century, however, these defenses began to suffer from neglect, for the government itself disliked them to a certain extent. Those in Regensburg and other cities served as dead quarries, the rocks of which were used for the building of churches. The troubles caused by the Normans and Hungarians brought a change. When, in 881, the walls of Mainz had been destroyed by an earthquake, they were rebuilt during the following year. In 900, the fortress Enno was erected as a wall against the Hungarians. Regensburg was fortified by Duke Arnulf in the time of Konrad I; the monastery of Fulda built its forti-

fications 915-16; Bishop Ulric protected the city of Augsburg, and Henry I established a whole chain of fortresses throughout Saxony and Thuringia. That walls of stone were used we learn in the case of the city of Merseburg. St. Gall began to build a formidable fortification around the convent in 953. Thus defended places sprang up everywhere and the desire to guard cities was strengthened.

It must be noted that fairs were held in the market-places ordained by the king. If such a fortified market-place succeeded in obtaining its own judicial district, if it obtained self-government, if military and financial immunities were added, it then became "a city." Such began their existence in the eleventh century, and in the twelfth had developed more highly and had grown in number. A century later their real power was felt, and they became of great political importance in Germany.

The first unfree, tribute-paying people of the landowners resided in those places, including their servants, who partly supervised the unfree. In addition, there were also freemen. They were peasants, whether craftsmen or merchants who made use of the place as a market. Even in later years everyone who wished to become a citizen had to possess a piece of land, which qualification was later displaced by the citizen's tax. These people lived in conformity with the various rules of the German constitutional organizations; the servants obeyed the

"laws of the servants"; the tribute-paying people respected the "laws of the court," and the freemen bowed to the "laws of the people." As traders the people began to form fraternities or guilds. The representatives of the landowner and the market-judge supervised the market through their jurors, *conjuratores fori*. If the landowner possessed an important immunity, his representative also ruled over the freemen.

Whenever the cities were not founded on selected, desolate places as in the case, for instance, of Freiburg in Breisgau, they revealed the historical character of their existence. The dwellings of the inhabitants were erected around the church and the castle of the prince; the unfree tradesmen lived in the *Ackerstadt* (acre-city); and the fairs were held on the "Free place."

Gradually a separate city-court came into being which relieved the citizens from "foreign" courts.

Whether they obtained high judicial power, the "blood-ban" through a royal edict, does not concern us. In that case, the citizens were responsible only to the city-court, and before the gates or on the market-place the gallows was erected as an impressive notice of such judicial power. The representative of the lord of the land presided over the trials, and the verdict was found by the community or a committee of judges. In the Frankish and Low German regions, the court with its judges greatly

influenced the development of the self-government of the city. The result was, that a council was formed whose members were the consilarii or, after the fashion of the early developed upper Italian cities, consules, counselors chosen for the period of one year. In addition to them there were the various officers of the court. We also find the burgomaster (*magister civium*), who acted in conjunction with the council and sometimes presided over it.

The military exemptions which the cities obtained were far-reaching and they were thus enabled to use the citizens for their own affairs and for defense. Their financial power expanded as their taxes grew relatively smaller. In return for every favor from the city the lord had to grant it certain privileges. Despite this the lords thought it well to help in founding and assisting numerous cities within their territory. Henry the Lion and the Zähringians were especially successful in this peculiar industry. We hear of a city-founding mania which, before and after 1200, seized both princes and landowners. Naturally they sometimes miscalculated and a number of ambitious cities remained villages, or never outgrew their swaddling clothes. The "boosting" of business enterprises during the Middle Ages was sometimes as unfortunate as in these modern times.

Just as the knights considered themselves a sep-

arate caste, so the inhabitants of the cities, indifferent as to their own origin, looked upon themselves as above all *Bürger* (citizens). The tendency was toward freedom. Even he who entered the city as unfree and was not arraigned by his master, to whom he owed tribute or service, within a period of one year and one day (365+1), became a freeman: "The air of the city renders free."

Of course there were patricians and knights among the inhabitants, though they were not patricians by birth, but on account of their dignity and wealth. It was they who were usually elected members of the council.

Imperial and provincial cities were distinguished by the fact whether they had been founded on the property of a king, a prince or a rich landowner, and upon whom they depended. Those that were based upon the royal estate rapidly increased in number through the dying out of families of landowners, of the supreme ruler of the country (Duchy of Suabia, for instance,) through the lapse of certain privileges, and finally through separation by force from their rulers, as was especially true of episcopal cities.

The market-place was indicated by a pillar erected for the time of the fair, with a sword, gloves, hat, flag and cross. To this day we find the ancient custom in some of the conservative cities of Franconia. In Heidelberg may still be seen the market

flag past which the people who visited the fair had to go before the railroads came in use. Whether the "Rolands" originated in a similar manner has not been ascertained. We find them chiefly in Lower Saxony and in the older colonies beyond the Elbe and Saale, especially in the March Brandenburg.

The merchants of German origin developed from the adherents of the landowners. Here the tendency of the German toward social evolution appeared. He longed for independent tribute and for the exemption of enterprisers from being mere managers of commissions. Thus the merchants originated in the market-places of the landowners, who traveled a great deal, but lived in one particular place. Out of them, the salesmen, and the smaller tradesmen the bourgeois developed. Their dependence consisted only in a few insignificant taxes and duties which were laid down in the *Handveste* of the city. The inhabitants of the cities were considered freemen. The landowners controlled government and court, and ere long considered themselves among the more distinguished citizens. Places with favorable conditions increased rapidly in population, and when the area within the city became too restricted, many citizens gave up agriculture, and city and country separated more distinctly. In the smaller places and cities, chiefly in the colonies east of the Elbe, an agricultural bourgeois has maintained itself ever since.

Guilds originated in the journeys of the merchants and the trading producers or, in modern parlance, "commercial travelers."

The word "guild" was introduced into Germany by the Saxons and Frisians. It was brought, therefore, through contact with the northern European trading regions. It is an old Germanic word and has been displaced by one meaning sacrifice, which was borrowed from the Latin. Later it signified a sacrificial fraternity. In Christian times it meant organizations of traveling merchants who chose an alderman from among themselves to serve for one journey. They became permanent organizations which represented the journeys and formed a group by themselves. A system of mother-guilds and daughter-guilds soon developed.

Of daughter-guilds in foreign countries, the organization of German merchants in London is mentioned as early as the tenth century. It had its own court and paid as tribute to the English government, at Christmas and Easter, ten pounds of pepper, two tuns of vinegar, five pairs of gloves, two pieces of gray cloth, and one piece of brown cloth. Otto I's powerful patronage did a great deal to establish the position of the Low German merchants in foreign countries. From the time of the Peace of Constance the Germans began to journey more extensively to Italy. In 1228, we hear of the German firm, Fondaco dei Tedeschi at

Venice, which was not property of the Germans but a building given to them by the Republic of St. Mark.

There was no freedom of trade in the cities, due to their origin. The landowner may have allowed a certain number of butcher-shops, saloons, etc. Whoever wanted to manage them must have a license from the city. The landowner who offered the latter a certain number of trades could not compete with it nor induce a third party to do so. The terms "banmile" and "right of a mile" meant the district within which the traders of the city enjoyed a monopoly.

Just as the Jews who lived in the German cities remained in groups by themselves, the immigrating upper Italians and the Lombards formed independent communities, competing with the former as ex-changers and lenders of money. After 930, the Jews became so obnoxious to the Venetian merchants and their enterprises in Germany, that the Doge asked the German King, Henry I, to compel them to become Christians or to emigrate, (that they would do only the latter, he well knew).

TRAFFIC

Since early times the Germans rejoiced in traveling for traveling's sake. This was best expressed by Walter von der Vogelweide,

Ich hân der Lande viel geschan
unde nam der besten gerne war;

(Many a country I have seen, and with gladness noticed all); but also in the *Carmina Burana* of the traveling minstrels, in the poem of a Suabian or Alsatian we read that nobody could become anything worth while unless he traveled through the world incessantly and joyfully.

Nunquam erit habilis,
Qui non est instabilis,
Et corde jocundo
Non sit vagus in mundo.
Et recurrat
Et transcurrat
Et discurrat
In orbe rotundo.

It was a great pleasure to all Germans to see the world and to acquire the knowledge that could be gained in no other way. When in the thirteenth century the Venetian Marco Polo, well equipped and diplomatically credited, reached China, he found a German there. From the Middle Ages we have no special traveling literature, but many oral stories were told as is obvious from the Saga of King Ernest, the "King Rother," and the numerous other epics, legends, anecdotes about the Crusaders, and family legends. They compare with the Greek Odyssey, so far as the joy over the wonders of nature is concerned, among both listeners and storytellers.

As means of communication, there were carts and wagons during the Old Germanic period. For serious purposes, such as rides of the gods or kings, the carts became a means of travel. They were plain vehicles, and sometimes had a roof.

People, however, usually journeyed by means of horses. Mules were also used, especially by clergymen.

When the court requested that women and girls should not travel unescorted, as in the quiet times of old, and when the more powerful landowner surrounded himself with a guard, or when the knight took with him his knave or servant, it was all due to the increased peril of travel.

There had always been outlawed people, but they were scattered. Now the social revolutions, the rigid economic movements, the Crusades which filled everyone with the joy of wandering into distant lands and the promise of all sorts of adventures, the temptation to leave one's home, the relaxed morals, the increased wealth and luxury, the decentralization of the judicial system,—all this had alarmingly increased the danger from highway robbery and plundering. Cunning fellows, not always of ignoble birth, lived luxuriously on booty and ransom and found shelter everywhere as generous and much feared guests. A wild reckless humor and defiance were expressed in their surnames, which blotted out their own honest titles, such as Hell-sack,

Wolf's Palate, etc. If they were caught, they died on the gallows.

Instead of inns, as among all primitive peoples, there has always been Germanic hospitality.

The host, that is, the master of the house, came forth to meet the guest, and the mistress kissed him welcome. He was led into his chamber, if there were sufficient rooms, and to the place where he was to rest. If he lacked a change of clothes the host loaned him what he needed. A bath was furnished at once, or on the following morning. Shelter was given to the pilgrims with double pleasure, and was believed to bring prosperity.

After the twelfth century, with the increase of commerce in the Orient and the Occident, the traditional hospitality became impossible. And we often hear, not of refusal to receive guests, but of such a chilly reception that it was a virtual turning away. Walter von der Vogelweide states that even the monasteries began to receive only pilgrims and clergymen. The priests did the same, and whenever towards eve an unknown guest approached the gates of the castles, the master of the house stole out through a side-door or the guest was told that the host was "not at home." The time for founding inns had come, and beginnings were made.

Since very ancient days there was a house in each village which stood near the road, where horses and horsemen could find shelter. Fodder for the

animals, and bread, wine and beer for their attendants were to be had. These inns belonged to the owners of the regalia of the roads, and they let them to the villagers. They were usually at the end of the settlement instead of in the middle. According to law, the innkeeper was not obliged to receive everybody. If he chose to act the host, the guest rested in the inn on straw or near the hearth, while the servant ensconced himself in a corner near the horses. It was not very pleasant to travel, and to do so was considered a bold venture, or a kind of asceticism.

With those inns on the road, the long forgotten *tabernæ* of the Romans, on the old Roman soil of Upper Bavaria and the Alpine regions, were revived. Thus the homely institution originated, and was removed from the end of the village to the center, near the church. Since early times, all sorts of business was concluded in front of or in the sacred structure, and before witnesses. The people now went into the inn instead of to the place around the linden tree near the church, or if the season permitted seated themselves on the benches in front of the inn. The ancient custom of calling on him who had brewed malt liquors was thus set aside. The young men began to take their fair friends into the inn, and the dancing place by the village linden fell into disuse.

With the rise of the cities, people preferred to

spend the night in them rather than in the inn. Owing to the annual fairs and commercial relations they became the goal of traveling merchants. Their walls, gates and market-places offered the safety which the roads lacked. The number of inns increased, and identifying names became necessary. We hear of the "Inn to the Swan," "To the Golden Horse," etc. The introduction of numbers to the different houses displaced their names. In the late Middle Ages there were sometimes a number of bedrooms in these public houses, which were variously equipped. One chamber contained only beds. Stories of the eighteenth century show that in some instances the whole company of merchants who traveled together had to occupy a single room.

We shall speak later of the ships as a means of communication.

CHAPTER VIII

THE PERIOD OF TRANSITION

1273-1648

THE period between 1273 and 1648 represents the beginning of a new *Weltanschauung*,—a broader, freer idea of human life, greatly incited and strengthened by German power and awakening German spirit. It began with the abandonment of the ruins of the Middle Ages, was still influenced by and still struggled against them, but the vigorous soundness, always driving onward, was already noticeably non-medieval. Then rose from its midst the powerful, creative genius of a man who put an end to all medievalism of the Germanic peoples—Martin Luther. He was the man who overcame all negative elements of humanism and freedom of thought; who magnificently led the way toward a new positivism, to the establishment of a Christianity liberated from the last shreds of medievalism; who grasped all attitudes, all thinking, all every-day activities, to supplant them with ethical-Christian ideas of life; who profoundly influenced the attitude of modern times, out of

which arose new evolutions and new liberty. This was the climax and the center of our period. To the securement of the new *Weltanschauung* a third factor belongs,—the struggles of the Reformation, which brought about the Westphalian Treaty and important innovations in the world that had clung to Catholicism and found its main representative in Rome.

There were interesting parallel occurrences in other countries, such as the Crusades and their acquired commercial knowledge of eastern Asia, the embassies to the Priest-King John, the new attempts to sail around Africa (first by Genoa, 1291), the visits of Marco Polo to China, the period of discoveries that followed, the expansion of the Roman-Medieval *Orbis*, which culminated in the years 1492 and 1498, and ended with the discovery of the Southern Sea by the Dutch and the English. Politically, this period included the overthrow of the medieval-universal imperium, and the further growth of national consciousness created by the Crusades. This was brought about more clearly and readily among other nations than among the Germans, who were separated from one another by particularism. With them, it was given life by a gradual growth of territorial powers which gained so much steadfastness and strength—chiefly through the Reformation—that they were enabled to produce from among themselves a new national leader.

In the time of and after the Westphalian Peace, it was decided whither ability and the problems of such leadership of a Germany, inwardly and outwardly renovated, must turn.

Previous Occidental-Continental history, including German, is divided differently, and it is necessary to discuss this traditional division, which dates from a period when the rise and decline could not be distinctly noticed, such as confronts us at the beginning of the twentieth century. The name and temporary term, "Middle Ages," first took form in the seventeenth century. It presupposed an "ancient" and a "modern" period, and marked a significant progress, a deliverance from the classifying of history according to world monarchies, the days of the creation of the world, and other theological-symbolical divisions. The Middle Ages naturally opened with the final overthrow of the pagan ancient world, whether with Odoacer or Constantine, and closed with the remarkable events of about 1500 A. D. Generally the capture of Constantinople by the Turks, in 1476, accepted as marking the beginning of a new era, since the last ancient organization of a state, the Christian-East Roman Empire, was overthrown, and for centuries to follow, the danger from the Occident through the Mohammedans held the attention of historians. Gradually the Turkish menace decreased and finally disappeared. And while the philosophizing generation of

Frederick II and Joseph II, ever theorizing over freedom and religion, sought for a more impressive close of the Middle Ages, it was shifted forward to the year 1517 from the *cæsura* after which the divisions were previously made.

But since 1866 and 1870, everybody has learned that the possibilities of modern and German future history, and its participation in the world-formation, had their foundation laid in the final liberation of German territories brought about by the Westphalian Peace, and with the struggle for those possibilities by the contemporary of that decisive peace,—the Elector Frederick William. More clearly than historians four or six centuries ago we know, especially since 1870, how much the peace of 1648 meant for the renovation of the German national and imperial conditions. It meant, too, a check for confessional happenings in Germany. In matters of belief and conscience it brought into full force the free right of the individual, while the momentous deed of 1517 took place in the midst of great excitement, and led only to the large-scale slaughter, beyond which alone were true peace, freedom of thought and personal rights.

Thus the year 1648 gave, in every respect, a far better means of looking forward and backward in the fashion of Janus. Politically it marked the beginning of that development which caused a new rise of the empire since 1250. Further, the year

1648 was important, for it led the Germans, who in their Protestantism were recognized, to assume a new rôle which surpassed all others. The Germanic peoples have created a more recent and modern condition,—that of following and standing by each other, as shown by the German Dutch, the English, the Germans under Prussian leadership, and the North Americans, the new Anglo-Saxon nation. The seeming hegemony of the Romance French has not permanently influenced the world. Therefore, it becomes necessary for us to consider the various periods from a somewhat different angle than people were accustomed to do in the seventeenth century, and to give to the year 1648 its importance as marking an epoch of modern history.

No difference of opinion prevails among historians regarding the effect of the Crusades, which profoundly influenced outward and internal conditions, and with which the real "Middle Ages" were brought to a close. The "Roman" imperium, renewed by Franks and the popes, ceased to rule from the German center of Europe or at least from the Occident, and did not even assume such claim. Frederick I and Henry VI were the last who strove to continue and expand the universal empire by means of a realistic policy. But in such a method there was something non-medieval when compared with the eleventh century. It made use of and strengthened the national conscience aroused by

the Crusades, yet that national conscience was opposed to such policy, even among the Germans. France and England valued their crowns as highly as did the German emperor who was crowned at Aachen and Rome. Italy and Burgundy strove for independence; Hungary, Poland and Denmark no longer took the oath of allegiance, but struggled to expand their respective territory at the expense of the empire. The German imperial authority, reestablished after the Interregnum, found the imperium only a shadow. Throughout three reigns it could hardly conjure up even that dim shade.

From within and without the position of the German king, since 1273, differed greatly from what it was in former periods. Though particularism of the various tribes and princes had fought against it, the power of the crown had been, none the less, the most essential thing in the constitution of the empire, from Clovis down to Frederick II. It alone had right and authority; others received only from it. Since 1273, an oligarchy of territorial princes made up the empire of which it took possession. It changed also this hegemony of an "electoral" association into a recognized group. The electors prevented the throne from becoming subject to inheritance, as was the case till the end of the Hohenstaufens. They also checked a too powerful prince from attaining the kingship. They highly praised

their ruler whenever he wished to gain for the monarchy in Germany that which it had previously lost, but they did nothing to help him in his efforts. Under such conditions the wearers of the crown devoted themselves to domestic policy and were independent territorial lords, caring only for themselves, just as did the electors, and they considered the remnants of royal authority and privileges a means for their dynastic purpose. The more sober and prudent they were, the more resolutely did they cling to that purpose. The electors as a rule rewarded their successes by not electing their sons successors to the throne. Therefore, we must head the political sub-period from the Interregnum to the fifteenth century with: *Electoral Emperors and Territorial Policy*. In this connection, we speak of the princely territories and not of the cities. The latter were mere sources of revenue and allies against the princes. A better system the emperors did not find with the development of the bourgeois of this period, or with the important history of the Hanseatic League. They did not free the bourgeois from their tendency toward anti-particularism, but they developed without making use of such tendency. It becomes necessary, therefore, to discuss the Hanseatic League as an agrarian phenomenon, rather than as an essential part of imperial history. Many innovations caused by the activity of the empire had a connection with the domestic policy of

the emperors,—such as the formation and independence of the Swiss Confederacy, which took place during that period, as well as the establishment and independence of the Netherlands.

Meanwhile, the old German characteristic, the right of inheritance, once more became valid. The diplomacy of Luxemburg made an end of all opposition, and later on the Hapsburgs secured the law that all future kings should be taken from among them. Thus the crown could become powerful and assume a leading position in Germany. Whatever it could not perform by itself, or whatever rights were taken from it, the crown could obtain everything it desired, through its permanent connection with one and the same territorial power. Such connection the Hapsburgs possessed and through considerable care and energy they enlarged it. But they strove only after dominance in Germany, and no longer sought the leadership in its history. With them domestic power was everything, and the throne was simply to aid, strengthen and enlarge that power. As a consequence, the latter possessed many non-German territories and provinces, and the successful horse-leaps on the map of Europe which constitute the history of the Hapsburgs—from the Upper Rhine to the eastern Danube, from thence to Burgundy and the Netherlands, from thence to Spain, and from Spain to Italy—and the final acquisition of the Czech and Hungarian territory,

converted the German subjects into those whose fate was closely connected with new German interests. They never became leaders of the German nation,—not even Maximilian I,—and Austrian territory was not suitable for the reestablishment of a mighty German commonwealth.

The most important of these Hapsburgs attempted in the sixteenth century to subjugate the German life politically and to check it intellectually, but only to the extent of his non-German disposition and international power. This tension created against Charles V continued and led to the Thirty Years' War. The Peace of Westphalia brought a decision against the Hapsburgs. The empire, which was not real German as yet, was still more restricted and confined to its hereditary lands forever, the German territories obtained the privilege of entering into alliances with other foreign countries, and also the right to carry on a European policy without the emperor. The road was cleared for one of the territories to become the leader of the nation and to seek its own greatness, not against, but in the interest of Germany. Whether this would ever happen, or who would undertake it, none knew in 1648. A generation later, one could understand to what reforms of the empire such guidance, and harmony with the aims of the nation, would lead. From the standpoint of political law, however, the basis of a greater future, as Frederick William

showed to his Brandenburg-Prussia, was the Westphalian Peace.

With regard to religion and literature, the period 1273-1648 was in marked contrast to the Middle Ages. It obtained, through the Thirty Years' War and not through Luther, freedom of faith and freedom of the soul. The purport was also a transition, a moving onward from one to the other, a logical struggle between contrasts and modern aims. The ascetic-hierarchic rule over man had gone with the Crusades. There were no heretic judges like Konrad of Marburg, who traveled among peaceful homes as a social parasite. True, popes heaped excommunication and interdiction upon many a city, and obtained from numerous emperors such hierarchic privileges as even a Gregory VII or Innocent III could not have asked. It is interesting to observe the practical inefficiency of these paper concessions which did not disturb the laymen even for a moment. The emperor of that time was merely the emperor; the electors were the empire, and they stood up against the papacy. The martyrdom of John Huss at the Œcumenian Council concerned Czech rather than German history, though it occurred on German soil and Bohemia was an imperial province. The answer to it, however, was the Hussite insurrection, the separation from Rome and the consequent encouragement of the Germans.

After the Crusades, the layman became conscious

of himself as against the clergyman who, despite his consecrations, no longer represented a superhuman class, but simply a profession like many others, with an abundance of human faults. A great intellectual and cultured world stood outside the Christian church, with the antiquity that was rediscovered in the twelfth century through the contact with Saracens, with its disciples and, last but not least, with the commercial relation of Jews and Christians and the influence of Arabian scholarship. It was found anew by jurists, physicians, emperors and mere travelers, affected its disciples as well as laymen, who began to learn how to read and write, and reached even the clergymen themselves. All the stimulations which bore fruit in France, Italy, Germany and England, converged and encouraged each other. Humanism and Renaissance, whose first and foremost representatives were Dante and Petrarch, rose, turned ancient education and æsthetics into modern ideas, and made them the common property of nations. The Church descended from its mediæval throne as owner and mistress of all education, thus clearing the way for the modern universities. These became the places for the tournament of the geniuses, for the struggle between the ancient and the modern in theology. Occam, Wickliffe, Huss, Luther,—all were teachers in universities. In Germany, which began to be dismembered territorially, where knighthood had no longer a center like the

Hohenstaufen Court, and therefore sank intellectually, the cities alongside the universities carried the burden of national education.

Although these movements and struggles in the Church had become like the Church itself international, their scenes were laid mainly on German soil. From there the Minorites bitterly protested against the pope, there the great councils convened, there Luther appeared before emperor and diet. The imperium, which had been lost politically, seemed to recover itself intellectually by the gathering of the opposition against the Church and the reformatory movements around the emperor. With greater vigor than the other forerunners of the Reformation, Luther,—that German through and through,—entered into the struggle at a most fortunate moment, when the masses seemed prepared for the conflict. But there, too, the empire refused to lead, as it had been expected to do, chiefly because Charles V was more alien to the nation than the Luxemburgs or the Hapsburgs had been and considered Germany only an additional province of Burgundy and Spain. The people, however, sided with Luther, nay, even surpassed him in their aggressive disposition. The battles that had been fought against Charles and the Hapsburgs gave rise to foreign enmity against the supreme world power of the Hapsburgs. And so in political wars, as well as in religious and intellectual struggles, the Germans had observed the

great European cleaning process within their own territory. They carried the cost of the renovation of Europe's religious conditions and distribution of power into their cities, villages and fields, throughout the crimson Thirty Years' War.

CHAPTER IX

ELECTORAL EMPERORS AND TERRITORIAL POLICY

ALL contemporaries were of the opinion that the throne was vacated, that there existed an Interregnum despite Richard of Cornwall and his four voyages into Germany across the ocean, and despite the far-away, ever absent Alphonso of Castilia. There prevailed a general feeling that conditions must change, though not specially among those who were destined to meet the need. The stimulation came from Pope Gregory V, after the death of Richard in 1272.

He did not take the step because of care for the empire. He feared the Capetian family with its powerful rank in France, in the Burgundian Arelate and in Lower Italy, which strove to establish itself firmly in the remainder of Italy with the aid of Ghibelline-Guelfic assistance. France and Anjou had assumed the rôle of the Hohenstaufen against whom they had been summoned, and their power was less limited, their monarchy much stronger than that of Frederick II. The pope needed a counter

weight against the Capetians, a German kingdom with anti-French policies and with certain claims in Upper Italy. Therefore Gregory announced that if a German king was not chosen he would make the selection himself. Though he had no such right, he greatly impressed those who believed he possessed the privilege of election.

At that time Germany had a prince who had become a real king without the ceremony of coronation. This was Ottokar II, Lord of Bohemia, Moravia, Styria and Carinthia. Richard of Cornwall formally invested him with the territories he had conquered. Against the Hungarians and Poles he carried German politics; the city of Königsberg was named after him, in memory of his expeditions into Lithuania, including larger common enterprises in conjunction with the Order. Throughout the entire East, he was supreme leader among the princes and imperial organizations, and as stated was a supporter of German politics.

His effort to Germanize the Slavic part of his territory was not only a result of his good will and the German education of his house, but it was a necessity so long as Bohemia and the German Alpine lands formed one empire. We often wonder why the Czechs did not disappear, since at that time they knew nothing of national consciousness, just as was the case with the Liutizi, Polabi, Pomeranians, and Slavic Silesians. The Bohemian was not only

the strongest, but the wealthiest among German princes. He had an annual income of 100,000 marks of silver, twice as much as his successor, the Brandenburgian, the great colonizer, and fifty times as much as the Ascanian Duchy of Saxony.

They would not elect him, as all knew. The pope refused his consent because of his relationship with the Hohenstaufens. It is uncertain as to whether Ottokar originally wished to be elected king. But since he had acquired immense territory, the ownership of which might be questioned, he desired to obtain the crown, but failed. Under such circumstances he knew no better than to defy the inferior who had been raised above him, and since this inferior was less proud and more deliberate, King Ottokar's life came to a tragic end.

CHAPTER X

RUDOLF OF HAPSBURG

THE election of 1273 began with an understanding between Werner, Archbishop of Mainz, and Louis the Severe, Duke of Upper Bavaria and Palsgrave of the Rhine. The latter was the candidate of the archbishop and was strongly supported by Frederick of Zollern, burggrave of Nürnberg, the husband of his sister.

Thus the Suabian Zollerns were among those who assisted the Hapsburgs to lay the foundations of a great future. Those burggraves rendered service to the empire and the kings for more than a century. They were always faithful, and because of their loyalty, their ability and financial power, they became members of the oligarchy of the electors.

Rudolf's territory was smaller than that of the ecclesiastical or temporal princes. To these lords he was a protégé, but was able to support himself as a king without any financial aid from the empire or his benefactors.

In Alemannia, in the region of Upper Alsatia, in the Breisgau and the Aargau, the Hapsburgs lived. They were so called from their fortified castle

(*Hapsburg*, Hawk's Castle) upon the *Wülpelsberg*. In the Hohenstaufen period they possessed considerable offices, estates and prefectures in the region near the *Vierwaldstätter Sea*, including the lands of the Counts of Lenzburg, whose line had died out in 1172. He was invested with counties in Upper Alsatia (before 1135), in the Zürichgau (1180), and in the Aargau. Albert IV, the father of the later king, had married a countess of Kyburg. The latter family became extinct in 1264, and Albert's son obtained the Kyburg estates, including the Alemannic-Burgundian properties to the left of the Rhine, which the Counts of Kyburg had inherited from the Dukes of Zähringen in the year 1218.

Count Rudolf was born in 1218, Emperor Frederick II being his godfather. He always sided with the Hohenstaufens and took part in Konrad's unhappy expedition. Thus his election was tinged by tradition, which added much to his popularity.

This clear, cool, level-headed ruler knew how to make himself liked. Free from folly and vanity, he could easily assume the rôle of a simple-minded, honest man who dressed plainly, and despised his calling. A genuine *bonhomme*, he possessed fine Alemannic wisdom which gave rise to a great number of anecdotes that entertained and pleased the Germans. He was tall and slim, with an aquiline nose,—a feature which was more pronounced in his grandson Maximilian. The picture on his

gravestone can be accepted as accurate: We know that the stone mason counted even the furrows on the aged monarch's face.

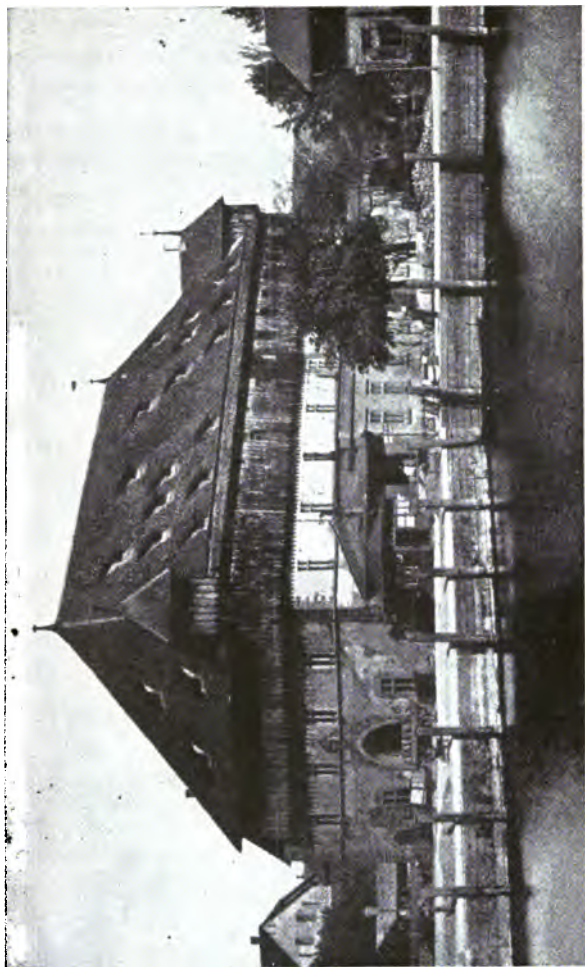
He had made use of the Interregnum to enlarge his territory and increase his income: "Do thou sit firmly, O Lord, or Rudolf will take thy place," said the Bishop of Basel. He aided the rising city of Strasburg, and as its ally defeated Bishop Walter of Geroldseck at Hausbergen, in the year 1262. In ducal Alemannia, he was the most important lord and he considerably influenced the Württembergs, or Wirtembergs, as they were called in earlier years.

There was no fixed electorate. Only after the election of Rudolf and the subsequent rulers did it grow in importance and have its rights clearly defined in the Golden Bull. Long before the Interregnum only a certain group of princes had the privilege of voting, but that privilege was not as yet firmly established. The number of electors was confined to seven,—a purely arbitrary ruling of the "Saxon Mirror." During the election of 1273, all knew that only seven had the right to vote, but they did not know who those seven should be. The privilege of the three Rhenish archbishops and of the palsgrave was not questioned. Regarding the other important princes, the possession of archbishoprics was of weight, as in the case of Saxony and Brandenburg, but the election policy was arbitrary. Ottokar was not allowed to partici-

pate in the voting and in his place Bavaria was to have the seventh vote. The case of Ottokar was not skillfully defended by the Bishops of Bamberg and Seckau, during election day at Frankfort, on September 29. Through those seven, Rudolf was unanimously chosen, on the 1st day of October, 1273, after he had promised to wed two of his many daughters to the rulers of Saxony and the Palatinate.

On the following evening Rudolf appeared and amid striking ceremonies was led into the church of St. Bartholomew to be crowned. The imperial insignia lay at Boppard; but the resolute Hapsburg took a crucifix, kissed it, and said it was the best scepter, against which no one could protest. On October 24, Rudolf and his wife were crowned at Aachen.

Ottokar did not expect much from the new man. He preferred to act in conjunction with the pope, protested against the illegal procedure during the election, and promised a Crusade. The popes were, as always, to be persuaded by the proposal of a Crusade, oblivious to how little real blessing it would bring to the Church. Meanwhile, Pope Gregory received an humble notification of the election, which was sanctioned by the pope, for Rudolf had renounced the claim of the German crown upon Lower Italy, and renewed the promises of Frederick II in Middle Italy. These concessions



**Merchant Building at Constance.
Place of the Conclave During the Council.**

gave the German kingdom and empire after the Interregnum a different form than the Hohenstaufen. Gregory acknowledged Rudolf and forsook Ottokar.

Rudolf proceeded against him. An offensive movement of Ottokar was hardly to be feared, and when the position of Henry the Lion renewed itself in Ottokar, Rudolf was not like Frederick Barbarossa, a ruler upheld by the consciousness of imperial authority. It would be foolish and unjust to find fault with Rudolf's dynastic policy: the kingdom of those times forced, as it were, its ruler to acquire power. Soon after his election, Rudolf issued an edict according to which all those who had gained imperial territory since 1245 had to be invested with it. Consequently, Ottokar's estates, which he had received as feuds from Richard, were to be ceded unless he preferred to ask the Count of Hapsburg to give them to him as feuds. No one believed he would do this. A number of rigidly exact invitations followed. Once more, with great skill, the letter was ignored and overcome by the sword, which was considered invincible. On November 11, 1273, at the diet of Nürnberg, the palsgrave presided at court and listened to the Roman king's complaint against the vainly arraigned Bohemian, who had taken possession of imperial estates without asking the new king for the banners of his inherited feuds Bohemia and Moravia. Twice more Ottokar was

requested to attend the diet, at Würzburg and Augsburg, in 1275. He vainly protested on the ground that the Hapsburg was not the legal king, since Bavaria had nothing to do with the election and Bohemia was disregarded, contrary to law. He was then deprived of all his feuds.

Rudolf found allies in the Archbishop of Salzburg and in some subjects of Styria and Carinthia who disliked the rule of the Bohemian. His son Rudolf married Elizabeth, daughter of Count Meinhard of Gorizia and Tyrol, with whom Rudolf entered into a close alliance which was joined by Bavaria. Since Ottokar laughed at Rudolf's decision regarding his feuds, the imperial ban was imposed upon him and war broke out. Vienna under Mayor Paltram resisted Rudolf's siege valiantly, but the revolt in the Alpine countries and Meinhard's successes, as well as the imminent treaty of Ottokar's adversary with Hungary, compelled him to sue for peace, which was concluded November 26, 1276. Ottokar retained Bohemia and Moravia, and his allodium in the Alpine countries, which was to be the dowry of his daughter Kunigunde, who was wedded to Rudolf's second son Hartmann. On the other hand, Rudolf's daughter Guta was to marry Wenzel, the young son of the Bohemian. This marriage policy characterized the entire reign of Rudolf, as well as that of his successors, so that in future we shall have to mention only such treaty-

marriages as were of historical importance. The future of the feudal lands,—Austria, Styria, Carinthia, and Craniola or Krain,—was not decided. The prudent and patient Hapsburg, first of all, established public peace in those provinces, which was an unfailing means of gaining honor and popularity for his empire.

In 1277, Rudolf entered into an agreement with Louis of Hungary, despite the peace of 1276. No one could doubt his purpose. In 1278, the two opponents were once more under arms. There was a variance of opinion as to the proceedings and aims of the Roman king concerning the Bohemian. Cologne and the Duke of Lower Bavaria sympathized with Ottokar; Brandenburg, the Princes of Meissen and Thuringia were allied with him; while many governors of the various Alpine provinces, disliking the Hapsburg rule, aided the Bohemian. Rudolf's soldiers were taken from the former provinces of Ottokar, from his Alemannic domains, and the men of the Burggrave of Nürnberg. In addition to them were numerous Hungarians. On August 26, 1278, on the March Field, east of Vienna, on the Hungarian frontier between Dürnkrot and Jedenspeigen, near the place where, in 1260, Ottokar had defeated the Hungarians, Rudolf won the battle through the skillful onslaught of some selected divisions of his army. He himself and Ottokar met and fought in the midst of their re-

spective armies. The sixty-year-old Rudolf escaped from grave danger, but Ottokar was wounded, and made prisoner by a band of Austrians. When he had laid aside his armor, several men approached him and in revenge for the severity of their former ruler, slew him with their daggers.

The victor marched into Bohemia and established peace. Ottokar's son Wenzel retained Bohemia and Moravia, and his sister Agnes married a third son of Rudolf. Otto of Brandenburg, Wenzel's cousin, ruled for him till he became of age. Otto was German, as was Wenzel himself; the counselors were also German, German cities were furthered, and the court of Prague became a late eastern center of German chivalric poetry. But the union with the Alpine provinces was broken off forever. The Bohemian policy had no longer any German aims and conditions and, becoming isolated from that side, turned to the East, with its Polish and Hungarian ambitions. Since the country was Czech rather than German, the way was cleared for a Slavic course in the future history of Bohemia, before the court of Prague was aware of the important change.

It is a gross mistake to assume that Rudolf saved the German East, from "becoming a Slavic state" through his victory in 1278.

But he did not yet obtain his spoil. He remained at Vienna for three years, quite content and at home. He made his sons Albert and Rudolf gov-

ernors in the name of the empire. In doing so, he did not need the sanction of the princes, since the youths merely represented their father as ruling king. In December, 1282, at the diet of Augsburg, the sovereign was able to invest his sons with the Austrian lands. In 1283, Albert became Duke of Austria, Styria and Krain, and Lord of the Wendic March. In Carinthia the meritorious father-in-law of Albert, Meinhard of Tyrol, obtained the governorship and, in 1286, the dukedom.

The king looked upon Hartmann as his successor, while for his son Rudolf he expected to reestablish the dukedom in Suabia, where his older estates lay. In this, however, he failed, partly on account of Würtemberg, but mainly because the more important imperial princes would not have tolerated it. King Rudolf was also forced to abandon his intentions of creating new positions for the Hapsburgs in Burgundian territory. Through his daughter Clementine, who married Prince Karl Martel of Naples, he established a close relationship between himself and the Anjou family whom he invested with the Provence, for reasons of state. It was his intention to secure for his brother-in-law the whole arelate in the name of the empire. In the Free County of Burgundy (Franche-Comté), where Meranians had succeeded the Hohenstaufens, the feudal sovereignty of the empire was similarly preserved.

In Germany the king clung to the beneficial and conciliatory system, in order to show the merits and the power of the crown through the establishment of territorial public peace. He successfully brought to an end the robber-knights' predations along the great commercial road, the Rhine. These had become unbearable after the Interregnum. He showed the guilty no mercy, promptly hanging everyone upon whom he could lay hands. While the cities were grateful for his severe justice, they were angered because of the oppressive taxes he imposed. The excitement in the cities and among the Austrian classes approached civil war.

This agitation caused the appearance of the so-called Barbarossas, each of whom claimed to be the emperor awakened from his long slumber. These pretenders were numerous in Lübeck and in Alsace, but most of all, in Dietrich Holzschuh or Tile Kolup, where many were deceived. One of the brazen frauds came forward at Cologne in 1283 and was laughed at, but he was acknowledged and strenuously supported by Neuss, the enemy of the archbishop. Far and wide, people saluted the claimant as the Savior and the worldly Messiah. He even summoned King Rudolf before him, and declared himself the lawful emperor. From the Lower Rhine, down to Berne and Freiburg, the cities revolted under the political leadership of the Lords of Wetterau, who resided at

Wetzlar, where Dietrich also occupied his throne. When Rudolf marched against the city, in 1285, Dietrich was turned over to him, and with haughty dignity entered the royal presence. Under torture he confessed, was tried as a heretic and died on the pyre.

Upon the whole, this civil war was carried on with no real energy on either side, and was closed by a compromise. Rudolf bargained with the individual cities regarding the taxes and succeeded in having a number of the insurgents paid.

The taxes demanded by the papal electorate caused resentment among the princes. That body, in 1287, demanded the entire German titles for five years. This affected not only the ecclesiastical princes and lords, but the various laymen who were interested in the Church revenues. Rudolf had many difficulties in protecting the legate and conducting him beyond the frontier.

The emperor spent the winter of 1289 and the subsequent summer in Thuringia, where he had destroyed sixty-six castles of robber-knights. Here, too, he attempted to extend the Hapsburg domestic possessions. He established his court at Erfurt, which, owing to its history, greatness and extensive commerce, was the natural capital of the empire. It wrested the supremacy from Mainz, which had held it since the time of St. Boniface.

King Rudolf lost his son Hartmann during a

shipwreck on the Upper Rhine in 1281. His son Rudolf, who the king had expected would inherit the throne, died at Prague in 1290. The House of Hapsburg was moved hand in hand with Bohemia. The Bohemian electoral vote and the office of royal cup-bearer were not resisted by anyone. In 1290, Louis of Hungary was assassinated and with him the house of the Arpads ended. Soon afterward Rudolf invested his son Albert with the kingdom of Hungary, on the ground that King Bela during the Mongolian distress had recognized before Frederick II the feudal right of the empire. The pope, on the other hand, claiming feudal power over Hungary, where he had granted the first royal crown to King Stephen, chose a ruler from the family of Anjou. The Hungarians brought forward a relative of the Arpads named Andrew, caring naught for the emperor nor for the pope. This occurrence gave little promise of success for Albert's hopes.

King Rudolf, however, was sanguine that a diet at Frankfort, held in May, 1291, would gratify his wishes, but electors could not be won over. Thus the traditional inheritance of former dynasties was rejected. The disappointed Rudolf died, and was buried at Speyer on the 15th of July, 1291. The achievement of his reign was the territorial expansion of his domestic estates. He made the highways safer for travel, even though he was compelled to tolerate great feuds, such as the Limburg

War of succession on the Lower Rhine (1288), and the intervention of King Philip of France. As a reformer of the financial system of the empire he was by no means just, for he was not a real restorer of his country.

CHAPTER XI

ADOLF OF NASSAU

THE lesson taught the electors by the reign of Rudolf was to elect an unimportant man as their king. They chose Count Adolf of Nassau, (from the Walram family, which rules Luxemburg to this day, rather than the Ottonian, from which sprang the Oranians). He possessed Wiesbaden, Idstein and Weilburg, was thirty-seven years old, of mediocre size, honest, educated rather than prudent, a valiant knight, had served under many princes as a noble soldier, recently under the Archbishop of Cologne in the Limburg struggle, and finally was a relative of Gerhard of Eppenstein, Archbishop of Mainz. He was willing to become king, in order to support himself and his numerous children in accordance with his rank. Arrayed on the side of his opponent Albert were the palsgraves Louis and Wenzel of Bohemia, who expected to obtain the Duchy of Austria. Unable to do this, they entered into an agreement with Saxony and Brandenburg, and joined the party of the archbishops.

Gerhard of Mainz designedly postponed the day

of election. Negotiations began May 2, 1292, and on the 5th, Adolf was chosen. June 24, he was crowned at Aachen. Albert undertook a military expedition towards the Rhine, but handed over the imperial insignia to the king, and took the oath of allegiance. He would have been wiser had he waited.

Adolf was forced to make all sorts of promises to his electors. After he became king these pledges appeared so difficult of fulfillment that he hesitated and discontent quickly showed itself.

Frederick Tuta of Meissen and Osterland had died in 1291, and the Wettine line in Thuringia gained the right of inheritance. But Albert the Naughty fell out with his sons Diezman and Frederick and, partly to destroy their right and partly because of his need of money, in 1293 he sold Thuringia to King Adolf, who took possession of Meissen as a void imperial feud. For 10,000 marks of silver he had promised military aid to England and France. Thus even when king he was no more than a leader of troops, since that seemed to be the only means for him to obtain money. He had no right whatever to send assistance to England, besides which, his fear of Albert of Austria prevented his doing so. None the less, he had entered into a close alliance with France.

In Meissen-Thuringia Adolf did what Rudolf had previously done: created for his kingdom and

his house an imperial princely territory, as a basis for his power. Rudolf himself had held friendly relation with those countries, as their future became clouded after 1288, and he had done much in behalf of public peace in Thuringia. Adolf, however, was deliberate, acted openly and cared nothing for the opinion of the people. Besides, he once more violated his previous promises. He had pledged to Mainz an imperial governorship in Thuringia, and to the Bohemian Meissen, but refused to grant it.

The threatening clouds darkened in the sky. Since 1295, the electors opposed him, and in 1297, other enemies arose, while Wenzel again made common cause with Albert. When Wenzel was crowned as King of Bohemia by Gerhard of Mainz,* the German lord-chancellor held a council over the critical state of affairs with his distinguished guests, Albert of Austria, the electors of Mainz, Saxony, Brandenburg and other princes, assembled at Prague to witness the coronation. Frederick, son of Albert the Naughty, was also present. The counts and nobles, the cities, Palsgrave Rudolf, Louis' son and Otto of Lower Bavaria sided with Adolf. Gerhard called an imperial diet at Mainz, in May, 1298, and Adolf, who was not present though he had been invited, was dethroned June 23, by a majority of the electors. Albert, who was to succeed Adolf, was already approaching with an army. A brisk

fight took place July 2 between him and Adolf near Gölheim, where, at the foot of the *Donnersberg*, an old military road leads through the broad valley westward from the Rhine to the Harz Mountains. Centuries later, Napoleon I reconstructed this highway and it is frequently used today by automobiles. Adolf lost the battle and his life, but not at the hand of Albert.

In the nearby Cistercian convent of Rosenthal, whose noble Gothic ruins were surrounded by solemn, lonely forests, he was buried. Later his body was brought to Speyer by Henry VII. On the battlefield Adolf's wife, Imagina of Limburg, erected a cross of red sandstone, above which was built, in the nineteenth century, a romantic chapel under the shade of an elm tree tottering with old age.

We can both blame and palliate the reign of Adolf. The task which he assumed with the crown was beyond his ability, and fairness from the standpoint of German imperial history must place the real censure upon those who, knowing his mental shortcomings, chose to elevate him to the high office.

CHAPTER XII

ALBERT OF AUSTRIA

EVEN the egotism of those electors was leavened by German honesty. They chose Albert formally and unanimously, since he had won for himself the palsgrave also. The election took place at Mainz, July 27, 1298, and as the insignificant opponents had no one to lean upon, all accepted the election. Not for the first time in German history did the particularism have to bear an unwelcome monarch who had developed out of a popular leader during an insurrection. Soon misunderstandings arose between electors and kings. This ruler also clung to the less significant imperial nobility and the cities, and strove to exempt them from territorial tolls. He did the very thing that had caused opposition against Adolf; he seized Thuringia and Meissen as void feuds, and pledged the latter to Bohemia for a large sum of money. With a shameless disregard of his Austrian and neighboring territories, he invested his sons, since it had again become the rule that the king should possess no duchy. Albert, therefore, attempted to obtain for the Hapsburgs the later "Netherlands,"

the other end of the diagonal of the empire, but of course the effort was in vain.

The House of the former German king, William of Holland, became extinct in 1299 with John, the former's grandson. Albert took possession of Holland, Zeeland, and Frisia, in accordance with imperial laws; the Count of Hennegau, however, claimed those provinces because he was related to William through his mother. Albert was not supported by the empire and the expedition begun in 1300 was stopped because of the electors who opposed him. Thus Hennegau actually inherited those provinces, and built a dynastic-territorial bridge from ancient Lower Lorraine to ancient Frisia, which became an important factor in the future of the Netherlands.

The electors believed themselves sufficiently strong to dethrone Albert and October 14, 1300, the four Rhenish electors and Wenzel held a meeting at Heinbach-on-the-Rhine. They questioned the sovereign's right to reign, for he had fought his ruler, King Adolf. This was a declaration of war and Albert, whom his party aided as much as it could, did not follow a policy of "watchful waiting." In the following two years, 1301 and 1302, he overthrew the Palatinate, Mainz, Cologne, and Trier. No steps to strengthen his power were undertaken. Albert was content with the enlargement of his imperial domains, which were ruled

by direct officers, governors of provinces, in accordance with a traditional Hapsburg system. A highly favorable moment in the history of the empire was neglected, for a more resolute and capable man was needed.

The Hapsburg territorial policy, which Albert considered more important than anything else, drew his interest to the East. In 1300, Wenzel of Bohemia became King of Poland, and two years later his son, Wenzel III, was made King of Hungary. These perilous successes of the Pshemislides in the Slavic-Hungarian East induced Albert to meet Pope Boniface VIII, who, because of his feudal power over Hungary, chose Charles Robert of Anjou, a son of Albert's sister Clementine.

Until then Boniface had postponed the recognition of Albert as German king and, in 1301, had accused him of high treason against Adolf. He was an obstinate dogmatist, jurist and systematist, rather than a statesman, who had summed up all the privileges of the Pontificate in the 6th book of his Decretals. He was the author of the famous bull, *Unam sanctam*, of 1302, according to which the pope had both ecclesiastical and temporal sovereignty. He opposed the Capetian dynasty, which had assumed the rôle of the Hohenstaufens and their universal worldly ideas of a ruler, since the time of the Interregnum. This was the reason for his being opposed to Albert, who was an ally of King

Philip IV of France, while he favored Adolf of Nassau, who wished to aid England against France. By and by, Albert and Philip grew mutually hostile, since the latter had aided the Count of Hennegau not to leave Hungary to Wenzel, and brought about the meeting of the pope and the Hapsburger.

In 1303, Albert was recognized by Boniface, took the oath of loyalty like a vassal, and declared that the worldly power of the German kings and that of the election were granted by the pope. This was the last triumph of the pontiff, who could be content only with all. In September, 1303, King Philip captured him at Anagni, Boniface's capital, through his chancellor Nogaret, with the aid of Roman confederates led by the family Colonna. He was freed later on and came to Rome, but could not rally from the shameful degradation he had suffered and passed away October 11 of the same year. France, however, obtained her aim: Boniface's second successor was a Frenchman from the Gironde, named Clement V, who Romanized the College of the Cardinals and removed the holy see first to Lyons, and then, in 1309, to Avignon. This was the center of the French monarchy, and the papacy was made an obedient instrument of the internal and foreign policy of the Capetians.

Once more the happiness of the Pshemislikes was overthrown and this time forever. In 1305, Wenzel II died, and his son Wenzel, who, only seventeen

years old, struggled to maintain the entire inheritance, was slain in 1306, at Olmütz, by the Thuringian knight Konrad of Bodenstein. He was the last male offspring of the Pshemislides. In Hungary, Charles Robert had no rival. In Bohemia, King Albert had become master of the land. Henry of Carinthia, husband of Wenzel II's older sister Anna, had vainly expected the throne. Albert took possession as a void imperial feud, and asked the Bohemians to choose his son Rudolf for their king, to whom Bohemia had been promised as a feud. The new Hapsburg king married Elizabeth of Poland, Wenzel II's widow.

Albert's policy in Saxon-Meissen and the neighboring Ostland was gross treachery against the sons of Albert the Naughty. When he attempted to obtain those provinces for the Hapsburgs his army, led by Burggrave Frederick of Nürnberg, was defeated at Lucka near Altenburg, on May 31, 1307.

Rudolf died in July, 1307, the Bohemian king who after a short reign had failed to win the heart of the people for the Hapsburgs. The Bohemians proceeded to elect Henry of Carinthia their king. Albert and his son Frederick could not change this by a military expedition. The territorial acquisition of the king was destroyed, but not given up. During a short stay in the old Hapsburg region, near Brugg, between Aare and Reuss, he was

unexpectedly slain by his own nephew, on the 1st day of May, 1308.

The reader recalls Rudolf, a son of king Rudolf of Hapsburg, who had died in 1290. His son John was brought up at the court of his uncle Wenzel II, in the native land of his mother Agnes. There while still a boy he was inflamed with rage against Albert. At the age of fourteen, he came to his court and quickly noticed how easily his young cousins obtained dominions, while his own claims upon his father's inheritance, the Hapsburgs' territory in Alemannia, were ignored. With the knowledge of Peter of Aspelt, Archbishop of Mainz and Bishop of the diocese of Constance, John once more renewed his claims in the spring of 1308, but was answered by the king with a promise to make him a man who would surpass all other princes. John demanded his rights, which he saw endangered, and nothing else. When Albert summoned him to Rheinfelden, May 1, treating him in a most kindly manner and placing a beautiful wreath upon his head, the youth was infuriated by the hypocritical deed and yearned to take vengeance on the smiling insulter. He had personal friends, Hapsburg knights, who discussed the matter and relied upon the enmity of the electors against the king. Albert set out to meet his wife after the dinner. While riding, Walter of Eschenbach stopped his horse, and Ulrich of Balm and Rudolf of Wart attacked him. Albert,

suspecting nothing, called, "Dear cousin, help me," and John answered by striking the fatal blow.

Terribly did Albert's wife, daughter and son Leopold avenge the dreadful deed of the murderers, against innocent relatives and acquaintances. Rudolf of Wart, who came to Avignon to obtain papal absolution, was put to death under frightful tortures, and the others ended their lives in lonely seclusion. John himself, whom history calls "Parricida," came to Pisa before Emperor Henry VII, who advised him to go into a monastery. He did so and died in 1315. The contrast of Parricida disguised as monk, and the slayer of the governor in Schiller's "Tell," is purely poetic invention. A convent was founded on the site of the murder by the royal women referred to, from the confiscated estates of the murderer.

King Albert's premature death was bewailed, not for the sake of his person, but because he seemed about to raise the kingdom to imposing power. He was brave, resolute and, despite his selfishness, of a more direct nature than his cunning father. His death and the conditions preceding and following it have caused an injustice to be done to his memory, especially in the native land of his family, where we have that wonderful series of legends surrounding the creation of the Swiss Confederacy, epically depicted, and vivifying his despotic and dark personality.

CHAPTER XIII

HENRY VII OF LUXEMBURG

WE have now reached one of the most peculiar reigns in all German history. Foreign pressure caused the Germans to elect as their king the Count of Lützelburg, who was hardly German any longer. None the less, he meant to reëstablish the imperium of the conception of the Hohenstaufens. He did it, however, as a Capetian bearer of the German crown would have done, not only in Germany, but in Italy, and without being a Capetian himself. We must understand the circumstances of Henry's reign in order to judge it firmly, and not to extol the noble, ambitious man as an idealist, or to despise him as a mere dreamer.

Henry sprang from the ducal family of Limburg, which obtained through marriage the small county of Lützelburg, transferring it soon to another branch of the family. He was born at Valenciennes in 1267, was brought up at the French court and knighted there, thought and spoke French, and in 1294 possessed a little German territory. He was handsome, of noble and stately build, and had red

hair and beard. He loved peace and was just and placable, though valiant.

The dynasty of France, whose monarchic power had been rising since the days of Frederick II, just as that of Germany was declining, could boast of a series of successes and of a splendid future. It had inherited more than one quality of the Hohenstaufens, and even subdued the uncompromising enemy of the German empire—the holy see. We shall not be astonished if we hear that it claimed the dominance of the imperium over the universe, by attempting to annex to France the Occidental empire of the Germans, or rather to reestablish the connection between the two. France considered Charlemagne a French ruler, for had he not been the founder of the West Frankish kingdom? And this ambitious French imperialism, which could influence no other nation more markedly than that which had hitherto possessed the imperium, became popular with the monarchic and educated Frenchmen. It was joyfully received by their early awakened patriotism and supported by the prestige of honorable motives. Such and other similar thoughts were strikingly set forth in a pamphlet by a lawyer named Peter Dubois (de Bosco). It was composed between 1305 and 1307, and bore the title, "The Reconquest of the Holy Land." Under French hegemony, Dubois would have made the Mediterranean a Christian-European Continental

Sea and a commercial center. He would have Europized the Orient under Anjovinian sway, or rather Romanized it, and united Tunis with Capetian-Anjovinian Naples, the whole under the French scepter. He hoped all would be brought about through European councils and protectorates, in a form remarkably suggestive of the modern proposals of a world policy.

The pamphlet amazed the Germans. What he planned for France and the Orient was to be accomplished through an eternal European peace, by means of courts of arbitration, and of the United States of Europe, the organ of which should be a congress always in session in France. The Germans, with their involved imperial conditions, were not good friends of peace. To free the Germans and all of Europe from those conditions, it would be best to give the German crown to the Capetians or to their relations, the Counts of Valois, and it should be not only hereditary but should regain its monarchic value. The German electors should be indemnified for the loss of their electoral rights. Means for indemnification were to be obtained from the confiscated ecclesiastical estates, through extensive secularization, which included the pope and the great orders of knights. Pope and ecclesiastical princes were to obtain their purely ecclesiastical privileges, and all political power was to belong to the temporal prince. The king of

France was to take possession of the papal dominion, the center of Capetian Italy.

This prodigious confiscation of estates and revenues of the *dead hand* would leave sufficient means to establish a permanent, imperial exchequer. From this were to be taken the funds for equipping a permanent army which, even after the establishment of perennial European peace, would be needed as a protection against the Oriental-Saracen aggressions, for educational purposes, and humanitarian-social aims of the empire. This plan was wholly non-medieval, since until that time the state had left this question wholly to the Church,—a custom continued until even later periods by the cities.

It would take too much space to discuss Dubois' contempt for the study of dead languages and ancient culture. He emphasized the importance of understanding modern languages, natural history and exact medicine, the value of the education of women, the need of the abolition of celibacy, the Christianizing and Europizing of the Orient through Christian clergymen and Christ, and the necessity for female physicians. There were many other revolutionary ideas, wholly non-medieval, but Utopian and too far reaching and advanced for the times.

This extraordinary idealist and philosopher demanded Upper Italy and the territory to the left of the Rhine for France. A mighty French empire

would thus be formed, mistress over Italy, guardian of Europe and the Mediterranean provinces, that is of the entire known world of that day, surrounded by a number of dependent monarchies the most important of which were to be ruled by Capetian families, all well arranged and secured through continuous peace and courts of arbitration. Such imperialism,—fully corresponding to the grand ideas of Napoleon Bonaparte and his nephew, who formulated the "*l'empire, c'est la paix*,"—meant general welfare and peace, the rise of international commerce and transportation, of prosperity, education, sciences and all moral blessings.

Such a bold formulation of thoughts and stupendous plans, created by the optimistic patriotism of the young rising France, did not represent the real idea of the French policy, but came in touch with and sprang from it. We thus gain a fair conception of the relation between France and Germany. After Albert's death in 1308, King Philip nominated his brother Charles of Valois as his successor. There was misgiving in the Rhenish electors regarding the left bank of the Rhine and the French monarchy, which before 1308 stood in friendly relations with the Hapsburgs. Who knew whether the former had not renounced their claims upon imperial feuds on the western frontier, which lay beyond the interests of the Hapsburgs? To us it seems quite probable that such was the fact, when

Pope Clement V, despite his dependence upon France, did all he could to prevent the Capetian trees from "growing into heaven." Neither pope nor electors desired a strong ruler from among the Germans. They were filled with joy when their attention was centered upon Henry of Lützelburg.

Henry's election was the result of an agreement between Baldwin of Trier and Peter of Mainz. Owing to his personal relations to Philip IV and Clement V, Henry was favored by the former after it became certain that Charles of Valois could not possibly be elected. The pope especially liked him. Clement seemingly made propaganda for Charles, but really desired his defeat.

Baldwin of Trier was Henry's brother. Elected Archbishop of Trier March 11, 1308, he soon rose to a position which enabled him to display his great abilities as a princely-ecclesiastical statesman. He was the real author of the successes of the House of Lützelburg. An equally important man, of non-princely rank, advanced on account of his merit and energy, was Peter Aspelt, Archbishop of Mainz. He belonged also to the family of Lützelburg, was born at Aspelt and was a learned physician at the court of Rudolf of Hapsburg. His successful healing of Pope Nicholas IV brought him many ecclesiastical estates. Later, he became Chancellor of Wenzel II of Bohemia, and the enemy of Albert I.

In 1305, as Archbishop of Mainz, he came in contact with France and Bohemia, and alienated the former from Albert. He was a favorite of Clement V, who had promoted him to the archbishopric. In conjunction with Baldwin of Trier, he was very active in the election of Henry.

Both electors won Cologne and with it the electors of Brandenburg and Saxony, who were represented by the Archbishop of Cologne. Toward the end of October, 1308, the Rhenish electors met at Rhense and agreed to elect Henry. This city, on the left bank of the Rhine above Coblenz, was always the meeting place of the Rhenish princes. In 1376, Charles IV erected an altar of stone there, with benches around it to serve as seats for the electors. Since it was equally distant from the four Rhenish electors, the German people said of it that the horn blown at Rhense was simultaneously heard in all of the Rhenish Electorates.

On November 27, Henry was chosen at the city of Frankfort, by six electors. Henry of Bohemia did not appear. Pope Clement sanctioned the election and crowned Henry as German emperor at the city of Aachen, January 6, 1309. He then opened his reign after he had promised the customary Crusade.

Being an alien, Henry brought no enmity with him. Albert's sons, Frederick and Leopold, retained their feuds and Albert's assassins were out-

lawed. It was a proof of impartiality on the side of Henry when he (in 1309) buried the two dead adversaries, Adolf of Nassau and Albert, in the cathedral of the Salians, and Rudolf I in the dome of Speyer. "On one day," says a contemporary historian, with regard to that procedure at Speyer, "one saw three kings, one of whom was seen walking, the other two standing."

Toward certain powerful lords and many a city, the emperor acted severely when it became necessary. He thought to increase his domestic estates, and, influenced by Peter Aspelt, intended to conquer Bohemia.

Most of the classes became tired of Henry of Carinthia, who had imprisoned Wenzel II's daughter Elizabeth in order not to have a competitor through her. The Bohemians were willing to accept Henry, since they could change nothing without the consent of the German emperor, and the majority of princes were content if only Hapsburg would give up the scheme of subduing Bohemia. In 1310, Henry of Carinthia was dethroned by the diet of Frankfort, and John, the king's son, received Bohemia as an imperial feud, and married Queen Elizabeth.

In the Fall of 1310, hard upon the subjection of Bohemia, Henry went to Italy, whence he should not again return. For his romantic ideas and his concept of a far-reaching policy which he longed

to carry out as emperor, he believed that country was not beyond his reach. His relation to Italy differed from that of Rudolf, Adolf and Albert. There lay the imperial crown, the imperium, to which many patriots had summoned him, and there the love of Clement assumed double value in his eyes. In Italy he yearned to strengthen his authority by reconciliations and compromise. He was anxious to further the interests of the pope, and to change the European situation, in the wealthy cities through the contributions of those whom he had helped establish peace, while from the old regalia and imperial privileges he hoped to fill his empty vaults.

In South Tyrolic Trient was erected a statue of the great Dante Alighieri, in opposition to that of the German Walter von der Vogelweide, raised in the neighboring city of Bozen, as a national guardian of the frontier against the German name and German rule over men speaking the Italian tongue. The living Dante had joyously welcomed the king and exhorted him to help clear the confused conditions prevailing in Italy.

Dante interests German imperial history more than the admirers of his *Commedia* think. He was a victim of French influence in Upper Italy and especially in Florence. The presence and the immediate intervention of Charles of Valois aided the "Neri" in the overthrow of the Florentinian

"Bianchi," whose leaders, including Dante, were driven into exile.

An interesting question is whether his work, "Monarchia," was composed in 1300 or after Henry's journey to Italy. One view of life was that the calamities that had befallen Italy, the furious strifes in the southern provinces, the rise of the Anjous and of France in that country, were the result of the struggle between the emperor and pope. The holy see could defeat the Hohenstaufens, but was not able to assume their rôle as a worldly power, and the result was Italian anarchy. Only the reëstablishment of the universal empire, "Monarchia," could be beneficial. The judgment of God decides concerning pope and emperor, Church and Monarchia (*imperium*) that are to lead mankind to prosperity. To the Church, He has given a Jewish, to the Empire a Roman primitive history; both are parallel, of similar value, possessing the same rights, and they stand equally near the will of God. With similar thoughts and parallelism the whole *Commedia* is interwoven. In the darkest depths of hell, in eternal frost, horribly tormented by Lucifer, the penalty is paid by Brutus and Cassius, the assassins of Cæsar, the founder of the Empire, condemned to the same punishment with Judas Iscariot, the betrayer of the Lord, who founded the Church. And upon the illumined heights of Paradise, where linger the apostles and

the saints, there was a throne for Henry VII, the "High Arrigo," the representative of the Empire.

But Henry was still alive and Dante sent a letter to him and to Italy, calling the bearer of the imperium, who was about to cross the Alps, the "Savior of the Land," and exhorting the lords and nations of Italy to show themselves worthy of the great and memorable day, to obey the chosen lord, and to help him complete his task.

Henry came to Italy as a man who was everybody's friend but whom all began to hate as soon as he commenced to act. For a long time no German ruler had crossed the Mont Cenis to Upper Italy. Germany participated only slightly in this imperial journey. The relatives of the king equipped a small army of cavalrymen, and Austria joined the ruler, because she was bound to him by a special treaty. The Romance and Welsh people were his agents and confidential friends, including the Dominican pastor Nicholas, bishop of Butrinto. Henry came to Milan by way of Turin and January 6, 1311, he was crowned with the iron Lombardic diadem, in the church of St. Ambrose. It was now a question with Henry whether or not he would head the Ghibellines and the parties related to them.

The Ghibellines were largely loyal monarchists in the modern sense of the word. They were opposed to the Guelfic party, which was hostile to the Hohen-

staufens and allied with the enemies of the imperium.

If Henry had openly joined the Ghibellines, he would have found devoted adherents everywhere. But such a course would have offended the historical friend of the Guelfs—the pope. He decided therefore to reconcile the two parties and to supplant their strife in the various cities by order, good will and firm authority. This was the higher and nobler conception, but since neither organization saw gain for itself, in such a course, the enterprise proved too immense for him to grasp. All went well until the coronation at Milan, and he had begun to institute laws in the name of the Empire. Difficulties and upheavals soon arose. As the king needed money which he could not obtain from his adherents, he was obliged to exact it from the cities. The latter protested and then resisted. They did this more cunningly than the honest, imperial knight expected. Milan, for instance, was assessed 40,000 sovereigns, but the Guelfic leader, Guido della Torre, who wore the mask of loyalty, induced him to demand more than double that amount from the citizens. By the middle of February, they were in open revolt, but were subdued. New cities rebelled and were punished severely. Especially cruel was the penalty Cremona had to pay. Her fortifications were destroyed, many noblemen were made prisoners and a huge indemnity was imposed. Henry then be-

sieged Brescia. Disease reduced the army and through the negotiations of the pope the city surrendered.

Dante had exhorted the king to go to Florence without delay. There and nowhere else was the Guelfic opposition to be overthrown. From Brescia, Henry finally went southward.

It was a peculiar expedition, more knightly-adventurous than royal. Menaced by hostile bands; forced by them often to change the course of his journey; encountering only seldom an honest friend, generally among the territorial dynasts who occasionally furnished aid and soldiers, but otherwise infidelity and hostility everywhere; with no confidence even in the paid local leaders of the imperial army;—these discouragements gave place sometimes to surprising willingness, as, for instance, in the case of Genoa, though her friendship was not for the imperium, but really for herself.

The Anjous understood far better than this straightforward king how a twofold policy could be carried on. They negotiated with him, offered intermarriages and, at the same time, fortified Florence and Rome. Since 1310, Henry had striven to win over France. He wished to invest Philip, the son of the French king, with the Franche-Comté, but the result was that France and the pope negotiated with each other at Henry's expense.

When he reached Rome in the spring of 1312, John, brother of King Robert of Naples, defended the city and received military aid from the Orsini. On May 7, the Germans entered through the *Porta Flaminia* and both parties were in Rome. Many weeks were marked only by skirmishes and negotiations. The Germans stormed the capitol, but the city and the Church of St. Peter were successfully defended. Henry's imperial coronation, as we have learned, was planned before the royal one which had been promised by Clement. Meanwhile, the Roman people grew impatient and, June 29, 1312, the coronation took place in the Lateran. Henry then re-joined his army, which had its headquarters in the neighboring and healthier Tivoli, the mountainous city in the Sabine Campagna, with the cool waterfalls of the Anio or Teverone.

After he had obtained the crown Henry did not return to Germany, but determined to maintain Italy and gain the upper hand of his opponents, Naples and Florence. Against the former, he had entered into an alliance with the Aragon king, Frederick of Sicily. He could also count upon the help of the maritime cities Genoa and Pisa, which expected to secure great profits. But the pope, whose disposition towards Henry was almost unfriendly, sought to check a probable return of the undertakings of Konrad. Henry did not heed the demands of the pope, and replied in a pamphlet com-

posed by contemporary jurists. It reminds us of Dante's "Monarchia," and the work of Pierre Du Bois. According to this publication, the pope's authority lay solely in the field of religion. The emperor was the head of all worldly affairs, and Rome, whence he had received the crown, was the capital of the imperium. Henry again marched northward against Florence. He laid waste the regions around it, but was too weak to burn the city and pitched camp on the Toscanian Mountains, so as to control strategically the communications with Florence, Pisa and Siena. From this camp a city soon rose which was named Montimperiale. Henry summoned King Robert three times to appear before his court and in April, 1313, the king was convicted and sentenced to dethronement and death.

Henry's cause increased in strength. Pisa, whither he had gone, aided him financially, and Genoa furnished him war-galleys. He also obtained reinforcements from the empire, especially from the two Lützelburg imperial princes, Trier and Bohemia. The ships of King Frederick of Sicily already lay before Gaëta, and those of the maritime cities sailed southwards. On August 8, 1313, Henry started for Pisa, but died of fever on the 24th, at Buonconvento, in the county of Siena.

With him vanished his entire policy. If he had lived longer the mistake of his undertakings would have become obvious, but his memory remains im-

perial and noble, as declared in Dante's words of the "High Arrigo."

His reign was a memorable episode. It was not thought wise to transfer his imperial chancery to Germany. His beautiful marble sarcophagus, with the portrait of the dead ruler, is a wonderful work of the Italian artist Trecento and can be seen at Pisa, amid other historical-artistic creations. It would not have been a great diplomatic exploit to bring the coffin and ashes of Emperor Henry VII across the Alps to Speyer.

CHAPTER XIV

LOUIS THE BAVARIAN AND FREDERICK THE HANDSOME

AFTER the death of Henry, the people began to look for an opponent to the Hapsburg candidates for the German throne. John of Bohemia was too young and finally the Lützelburg or anti-Hapsburg party, which continued to exist under its old leaders, nominated Duke Louis of Upper Bavaria. He had just defeated Frederick of Austria at Gamelsdorf on the Iser, November 9, 1313. The party of Frederick of Austria consisted of the exiled Henry of Carinthia, who felt sure of the vote as Bohemian elector, Palsgrave Rudolf, Rudolf of Saxony-Wittenberg, who claimed the support of the Saxon elector, and the archbishop of Cologne. On October 19, 1314, he was elected king, at Saxenhausen. On the following day, Archbishop Peter of Mainz, Baldwin of Trier, John of Bohemia, Waldemar of Brandenburg, and John of Saxony-Lauenburg chose the Bavarian, on the field of the left bank of the Main, near Frankfurt. The latter opened its gates before him who was crowned at Aachen, while Frederick was simi-

larly honored at Trier. Once more the empire was handed over to the strife between two anti-kings.

Louis was a pious, but by no means a noteworthy personality. He had a stubborn temperament, often changing from optimism to total indifference, with his moods lasting a long while. He jested often and was amiable when things went well. He was of tall stature and finely built, had a lively color and an attractive face, as has been described by a contemporary.

It was not the kind of a war which moved rapidly to a decision. Louis had been elected against his will and would have surrendered his crown could he have lived in peace. For a long time the struggle consisted of unimportant skirmishes, of plunderings, capturings and ransomings, and of attempts to win new allies. Frederick's energetic brother Leopold was occupied with the Swiss Confederates, whose independence Louis had acknowledged and who decisively defeated the Hapsburgs near Morgarten, November 15, 1315. On September 28, 1322, a decisive battle between the two kings was fought upon the tableland between Ottingen and Mühldorf on the Inn. Louis was victorious mainly because of young John of Bohemia, who commanded his army, and of the burgrave of Nürnberg, who arrived in the course of the fighting with fresh troops. On the Austrian side, Leopold had also appeared with reënforcements and had almost

reached his brother's army, but John of Bohemia forced the battle before Leopold could draw nearer. Thus Frederick was defeated and captured on the Ampfing Meadow. Louis held him at Trausnitz, in the castle of Landshut. As a reward John obtained other prisoners, whom he set free after receiving large sums of gold in the way of ransom.

John had expected a greater reward, since he carried the real military and financial burden of the war,—namely, Brandenburg. There, in 1319, Elector Waldemar had died, and in the following year his nephew and successor Henry had also passed away, and with him the entire Ascoman line in the March. Louis' means, however, were exhausted and after the victory at Mühldorf he invested his own son Louis with Brandenburg, and he himself married Margaret of Hennegau, Holland.

The invasion by the Wittelsbachs of the well financed Brandenburg Electorate caused great excitement in the empire, and alienated Louis from the King of Bohemia, who made peace with the Hapsburgs and joined their cause. Against Louis a new opponent rose: Pope John XXII (1316-34) of Avignon.

Hitherto the latter had been neutral. The two kings gave him little concern so long as they only weakened each other. But the state of affairs changed after the capture of Frederick by Louis,

and the latter began to display his power, not only in the empire, but in Italy. Among others, the king negotiated with the Visconti, the Ghibelline leaders at Milan, who had obtained control over the city and made of it a sort of Italian "tyranny," which was so characteristic of the period of the Renaissance. Pope John invited Louis to appear before him, since he was ruling without the sanction of the pope, and declared all his previous undertakings void.

But with the new opponent Louis, at the same time, won an ally,—the Minorites, who had struggled sharply against the contemporary papacy and its worldliness and who may be regarded as the forerunners of the councils and the Reformation.

Minores fratres, (minor brethren), was the original humble name of the Order of St. Francis. Gradually the title became confined to the Franciscans, who were dressed in gray in distinction from those attired in brown. John XXII persecuted the Minorites as heretics and they joined Louis, who was also opposed by the pope. Of their leaders, the English William of Occam and the learned Marsilius of Padua came to Munich. The latter's works, *Defensor pacis* (1324) and *De translatione imperii*, maintained that the emperor was the highest temporal authority, and consequently the pope was inferior to him who could, if he chose, dethrone the pontiff. The reverse authority of the

pope was only a new historical fiction. The popularity of the Minorites and their anti-papal stand, especially in the cities, won for the Wittelsbach king the allegiance of those who had hitherto opposed him.

On March 25, 1324, the pope excommunicated King Louis. The latter appealed to a council which was to be held in May. The sovereign based his authority upon his choice by the electors. John replied by dethroning Louis, July 11, but since the princes and the majority of the cities still clung to the emperor, the pope set out to punish them by interdictions. Whenever the Dominicans, however, refused to hold religious service, the Minorites did so and the interdiction in Germany was a welcome opportunity to keep the pope of Avignon aloof from the German bourgeois. A compromise between the pope, the new king Charles IV of France and Duke Leopold, to obtain the German throne for the latter, served only to add to Louis' public dignity.

There are certain turns in the reign of rulers, past as well as present, which the spectator cannot fully comprehend and which do not logically correspond to the existing state of affairs. There was a chance to strengthen the German kingdom, actually and theoretically, but Louis strove only to free himself from the intolerable burdens. Frederick grew milder through his three years' imprisonment. He was willing to persuade his brother to conclude

peace and to aid Louis against Avignon, should he be set free. He promised in case of failure to return to captivity. The warlike Leopold would listen to nothing of the kind. Although the papal chief custodian of Christian morals absolved Frederick from his pledge, and even forbade him to fulfill it, the honest Austrian returned to his adversary, scorning all papal casuistry. Louis now held him as a guest rather than as a prisoner, even though the stories about the "friendship" between the two must have been exaggerated. Louis himself unquestionably wished peace at any cost. On September 5, 1325, the Treaty of Munich was concluded, according to which both should reign.

Louis planned a journey to Italy. The rights of the empire and the exchequer had not been given up in northern Italy. Henry VII had emphasized them anew and called his nobles' attention to the value of the alliance with the Sicilian kingdom. Louis preferred to increase his revenues in Italy rather than remain a hampered ruler in Germany. He desired further to be crowned as emperor, for which the pope was indispensable.

The solution seemed to be simple, but none the less it was impossible. Such a procedure by the crown would destroy all privileges of the electors and the imperial constitution. Furthermore, the Lützelburg party had not chosen the Bavarian that he should enter into agreements with the Haps-

burgs. King John of Bohemia, therefore, joined France and the new Bavarian-Hapsburg allies. But Louis, desiring peace, declared on January 7, 1326, at Ulm, that he was willing to resign in behalf of Frederick, if it should only please the pope. Even the sudden death of Leopold at Strasburg, February 28, 1326, did not bring a speedy change.

Louis left Frederick to direct the affairs of the empire, and he prepared an embassy to ask Pope John XXII to sanction his election. But the pope did not wish *one* king in Germany. Therefore, Louis resumed his kingdom and the Italian plans, and again negotiated with the Lützelburgs. From the autumn of 1326, the Hapsburg who continued to bear the royal title exercised no rights outside of his duchies. Not fully reconciled with Louis, he died in the castle Gutenstein in Styria, January 13, 1330.

In January, 1327, Louis had gone to Italy across the Brenner. On Whitsuntide, May 31, he obtained the Lombardic crown at Milan. His chief supporters were the Ghibellines and the Minorites. The pope excommunicated him anew. Louis's most important confidential adviser was Castruccio Castracani, the valiant Ghibelline leader of Lucca, and the imperial vicar in the northern district of Toscana.

He was a man who had "won his spurs" in England and France, and belonged to the most brilliant representatives of the "tyrants" in Italy, the politi-

cal upstarts who, from mere leaders of military bands, succeeded in becoming actual rulers of cities and counties. With but few exceptions, the whole of Upper and Middle Italy was governed by such families towards the end of the Middle Ages, and throughout the Renaissance. The geographical vicinity of these tyrants in the city-states was the political form which had gradually displaced imperial authority in Italy, until it was brought to an end towards the close of the fifteenth century by the French and Spanish diplomacy. Italy was nationally independent before the establishment of the modern kingdom by the Savoy dynasty, in the time of the tyrants, during the centuries of the early Renaissance. Theoretically, however, the imperial rule had not been surrendered and the men in Italy stood up in its behalf. This was the case with Castruccio, who defeated the Guelfic Florence in 1325 and based his power in northern Toscana upon the empire.

The situation greatly aided Louis's journey to Rome. Ever loyal Pisa renounced its allegiance, for it saw in the emperor only a tool of Castruccio, whom it feared, and hence the city had to be besieged. In other respects the expedition proceeded more smoothly than that of Henry, and on January 7, 1328, Louis, led by Castruccio, entered the city on the Tiber.

Rome, deserted by its popes, chiefly in favor of

the Ghibellines, insisted that the city should give up the imperium. Louis was elected *Senator* (head of the city), and thus occurred an imperial coronation without a pope. In the Church of St. Peter, January 17, 1328, a bishop anointed the king and Sciarra Colonna, as *Capitano del popolo*, crowned him in the name of the citizens. Upon the request of Louis, Pope John XXII was dethroned on the 18th of April, as a heretic, by both the clergy and citizens of Rome and on the same evening, amid a joyous uproar, the Romans burned him as a straw figure or effigy. In May, a markedly distinguished Minorite, Peter Ramalucci of Corvara, was elected pope, as Nicholas V, and he sanctioned Louis's coronation soon afterward.

The boisterous delight of the first friendship between Rome and the Wittelsbachs soon vanished. The election of a Minorite displeased many noble families, the soldiers of Castruccio grew impatient, and Louis left the city together with his family, which had been increased by a new-born son, Louis "the Roman." The end of this imperial journey to Rome was futile plans, the refusal of the cities to pay taxes for the support of the imperial army and finally a return to Germany, hastened through the death of Frederick of Austria (January 13, 1330). Three days later Louis arrived at his city, Munich.

The following period showed only the negative

efforts to secure peace, which were not for the sake of developing imperial power but because of the emperor's weariness. He negotiated with Hapsburg, Bohemia, France and the pope. The death of John XXII and the succession of Benedict XII, (1334-42), enabled him to bring about a compromise with the Church, though it was opposed by France. (Pope Nicholas V had been dethroned in 1330.) In the empire, the Hapsburgs and Lützelburgs carried on a more conciliatory policy than the sovereign. He wished to abdicate again, in 1333, in behalf of Henry of Lower Bavaria, a proposal which appeared to please the latter's father-in-law, King John. Once more public excitement defeated the plan. The marriage of Margaret Maultasch, the heiress of Henry of Carinthia (and Tyrol), and King John's son, whose name was also John, caused hostilities between Bohemia and the Hapsburgs. The latter were called to face two Lützelburg fronts. In 1335, after Henry's death, war broke out, but was brought to an end in the following year. Hapsburg was to be invested with Carinthia, which has ever since remained Austrian, whereas Margaret and her husband were to obtain Tyrol.

In 1330, King John began a successful policy in Italy, thereby continuing to a certain extent the journey of Louis to Rome. He went as far as Lucca, everywhere arranging and establishing

authority, and appointed his son Charles, the later king, as vicar. He remained in Italy until 1333. Never before had been carried on without the German crown so peculiar a policy. Public peace had no existence in northern Europe, through the Hanseatic League; in the Baltic Northeast, through the German Order; in the eastern Slavic lands, through the emigration of German peasants and citizens; in the Netherlands, through flourishing cities which cared little about the empire; in Switzerland, through the brave consciousness of the confederates; and finally in Italy, through the imperial prince, the King of Bohemia. The classical period of strifes and self-protection returned everywhere in the empire; lords, knights and cities entered into territorial unions with or against each other and carried on war or concluded peace as they pleased.

The Lützelburgs were able to accomplish two things: a speedy control over Bohemia, which neither the Hapsburg nor Carinthia had been able to do, and an intimate alliance with France.

Maria, the wife of Charles IV of that country, was a sister of John of Bohemia, and at the former's court was brought up that John who was called Wenzel for the sake of the Bohemians. The name, however, was later changed to Charles. Even after the succession of Philip IV of Valois the friendship continued, and the new Bohemian Charles was betrothed to Philip's sister Blanca.

This alliance between an imperial prince and an alien power led Frederick to consider himself the more energetic ruler of the empire. The French throne, after 1355, was claimed by Edward III of England and, in 1337, he entered into an agreement with Louis. The latter obtained 300,000 sovereigns, but was obliged to equip an army. Similar alliances were also concluded between Edward and the various princes. The new archbishop of Mainz, Henry of Verneburg, found an opportunity to liberate the Rhinelands from the French rule, and encouraged hopes of winning the pope by freeing him from his French bonds.

In the summer of 1338, a well-attended imperial diet was held at Frankfort, at which were discussed the struggle with the holy see, excommunication and interdiction. The electors obtained the privilege of choosing their king, even without the sanction of the pope, and to preserve the rights of the empire and their own as electors, they founded the Electors' Club (*Kurverein*) at Rhense, in July, 1338. (John of Bohemia did not participate.) On August 6 the diet of Frankfort declared that the whole strife of Pope John XXII with Louis was to be disregarded, that both imperial and royal dignity were derived from God, and the pope should obey a council. A pamphlet of the Bamberg Dome-deacon, Leopold of Bebenburg, *De jure regni et imperii*, contained the

decisions of the diet, and Louis took care that they became known throughout the empire.

Edward III came to Germany, and in September Louis held a court at Coblenz which was attended by the English king. Seventeen thousand knights were said to have been present. Near the imperial throne was seated the foreign potentate, the financial aid of the empire, while the civil ruler over Christianity announced the decisions of Frankfort. These were amended by declaring that every imperial law was valid without the sanction of the pope. Edward was elected governor of the Netherlands. This was a notable reward for an alien sovereign and could not fail to produce bad results. It was the first obvious link in a long chain, which fastened the English protectorate of Queen Elizabeth over the Netherlands that fought against Spain, the dispatching of Leicester, and finally the new aspirations of the nineteenth century and even of today. English-French events during the following decades did not permit Britain to secure control over the flourishing Netherlands, and the Neoburgundian duchy, a branch of the French dynasty, gradually took possession of the Dutch country.

Louis, however, did not continue his policy. There were certain things which the pope had either to sanction or render invalid, and once more the king turned toward domestic policy, which had always

been the traditional logic of the possessors of the crown. In 1340, after the expiration of the Lower Bavarian dynasty, he united Lower with Upper Bavaria, and an opportunity soon came to enlarge the native land of the Wittelsbachs. Margaret Maultasch grew fond of the handsome Louis of Brandenburg, a son of the emperor, and preferred him to her husband, John of Lützelburg. In the year which followed the Frankfort diet, the emperor surprised his subjects by a humble application to the pope to free him from excommunication. His prayer was in vain, but in 1341 he did that which had hitherto been done only by the pope,—he dissolved the marriage of Margaret, and the following year wedded her to his son Louis of Brandenburg.

This was a daring act which no one could defend. Clement VI (1342-52) had become pope, and was a personal friend of King John's son Charles. The entire Lützelburg-French-Avignon alliance opposed Louis, and his by no means successful English friend had also deserted him. The German princes called a new meeting. Louis, in order to preserve peace, was willing to undergo a Canossa pilgrimage and to resign. But Clement demanded the abolition of the decisions of 1338, and the papal sanction of the imperial laws, in order to make them valid. This was impossible for the electors, and Clement's demands were not granted, though Louis's deed was

considered by the princes assembled at Rhense unpardonably bold.

Meanwhile, the Hapsburgs were menaced through the new marriage of Margaret Maultasch. In 1375, Count William of Hennegau, Holland, was killed in an expedition against the Frisians, and since he left no heirs, the emperor promised to Margaret, who was a sister of the count, the latter's entire possessions. These included Hennegau or Hainault and Holland, with Zeeland and Frisia. Thus the Upper Bavarian Wittelsbachs possessed large territories in three parts of the empire,—in the south, in Brandenburg and in the Netherlands.

In addition to this, there was the Wittelsbachs' position in the Palatinate with which the domestic struggles referred to were concluded, through the domestic Treaty of Pavia (1329). According to that, the Upper Palatinate was united with the Rhenish, and became independent of Upper Bavaria.

The aged Baldwin of Trier was the soul of the efforts directed toward the prevention of a Bavarian successor, and he nominated Charles of Bohemia for the throne. In April, 1346, the latter went to Avignon to ask the pope to sanction his nomination, promising in return to abolish all the imperial decrees of 1338 and 1344, to crown kings at Aachen only after the sanction of the pope, not to journey to Rome except with the pontiff's permission, and to stay there no longer than the time of the imperial

coronation. The right of the pope to sanction imperial laws was omitted, in order to aid the hopes of Charles. Louis was again excommunicated, and the twenty-year-old John of Nassau was made archbishop of Mainz, instead of the loyal Archbishop Henry. The former announced the day of the royal election, and at Rhense, the place where prouder princes had formally assembled to preserve the rights of the electors and those of the empire, Charles was elected king on the 11th of July, 1346, by the archbishop of Mainz, by Cologne, Trier, Bohemia and Rudolf of Saxony, who was won over through the potency of gold.

This event was received quite calmly, and as what might be expected in the topsy-turvy period of the German crown. The cities favored Louis and the electors of Charles were fully occupied with their own affairs. The emperor did not permit himself to be roused from his passive state, and thus the anti-king had nothing to do.

He went with his father and several Bohemian corps to France and fought against England. Near Crécy, where the French were decisively defeated August 26, 1346, he was wounded and his blind father, the old warrior and victor of Mühlberg, was slain.

On his return to Bohemia, Charles was crowned at Bonn by the archbishop of Cologne, on the 26th of November. Meanwhile, Louis announced at the

diet of Speyer that the election of the Lützelburg was illegal.

Naturally struggles arose in the empire which alternately hailed Louis and Charles. These collisions resembled previous ones, and the lords and knights fought because of their hatred against the cities, rather than because of the reward from Bohemia. In Suabia, the center of these territorial struggles, where Stephen of Lower Bavaria, one of the many sons of the emperor, headed the cities, the decision desired seemed to be brought about, but one day it was rumored through the land that the aged king had died near the monastery Fürstfeld, (which his ancestor Louis the Severe had founded), on the 11th of October, 1347. He was buried in his capital and fortunately his ashes were allowed to rest in peace, undisturbed by the French desecration of other graves.

CHARLES IV

The anti-king, who had remained without an opponent, was personally a brave and highly distinguished man.

Born in 1316, at Prague, young Charles or Wenzel was, like his grandfather Henry, brought up at the French court. He knew five languages and was a wise, brave organizer and administrator. His father had invested him with the margraviate of Moravia and, in 1243, intrusted him with the com-

mand of Bohemia. It is interesting to note the character of the three emperors, one after the other. Henry VII was controlled by noble pride which was active and lacked a certain aim. He was always in need of money. John was a careless squanderer of his estates, a valiant knight like his father, a general in his youth, later on a traveling warrior, politically restless rather than systematic. Finally, Charles was personally plain, somewhat like Rudolf of Hapsburg, a sober calculator, a good economist and a practical man. He soon redeemed the pledged castles and arranged the finances so well that, as early as 1344, he could begin to build the dome and the castle on the Hradshin of Prague.

In the same year, Pope Clement made the bishopric of Prague an archbishopric, whereby Prague and Bohemia became independent of Mainz. He furthered the building of roads and commerce in Bohemia, organized the judicial system, made the Moldau navigable, and aided agriculture and trades. He summoned German tradesmen and artists to his court soon after his return, and in 1348 founded the first German university at Prague, as an institution for the training of clergymen, officers, jurists and others. Through him and the influence of French and Dutch artists, the technic of courtly manuscripts de luxe flourished at Prague (now at the University library of Vienna). The Lützelburg monarch, who was elected German king and who

strove to increase the strength of Germany, did not by any means promote the democracy of his native country. Thus the time of Ottokar seemed to have returned and even at the university there were "Two Nations" of German students from abroad,—that is, from Bavaria and Saxony,—and Bohemian and Polish attendants. He strove to increase the privileges of the cities, and to establish a comparatively modern constitution, which was laid down in a territorial legal code, the *Majestas Carolina*.

The party of Emperor Louis still found its champions in the emperor's sons, especially in Louis of Brandenburg, Stephen and Henry of Virneburg, the archbishop of Mainz. They thought of Edward III as king, thus realizing the idea of Pierre Dubois that the German crown was to belong to a foreign monarch. The chief aim of the English, however, was to obtain assistance against France. The party of Louis fixed their hopes upon Frederick of Neissen. To isolate them, Charles entered into an agreement with the Hapsburgs, and made Mecklenburg a duchy in 1348.

In 1319, Waldemar of Brandenburg had again appeared among the living and demanded his country. The bishop of Magdeburg and other enemies of Louis, the Ascanians of Anhalt, recognized the pilgrim who, as in popular tales of the Crusades, could show a ring and tell a romantic

love tale. The Brandenburgs, who had never cared for the Bavarian, and who were not so experienced as they are today, were made joyous by the wonderful event. Charles himself, after an impartial investigation—as some put it—returned the Duchy of Brandenburg to the pilgrim, in the name of the empire. The latter began to invest his assistants with portions of his territory, and thus Upper Lusatia was to belong to Bohemia. In January, 1349, the dethroned elector Louis found a new opponent of Charles in the person of the insignificant Thuringian, Count Günter of Schwarzburg. The former was elected by Mainz, the Palatinate, Brandenburg (Louis), and Saxony-Lauenburg, which still struggled against Saxony-Wittenberg regarding the rights as elector. Charles speedily married Auna, daughter of the palsgrave Rudolf, at Bacharach, thus creating a great many hopes for Louis and the cities that were about to acknowledge Günter. The latter was willing to resign, but did not have the opportunity to do so, for he soon fell ill and died at Frankfurt, June 18, 1349.

This was the period of the awful Black Death, which devastated the whole of Europe. Brought from eastern Asia to the Mediterranean countries, it swept from the Italian ports throughout Germany and western Europe, Scandinavia and Poland. The most graphic description is by Boccaccio. The story-tellers of his "*Decamerone*" and their three

gentlemen friends betake themselves to a village inn on a lonely hill, far from the roads of communication, in order to forget in pleasant company the dreadful times. The better situated classes and those of cleanly habits suffered little from the scourge,—a fact which has been observed too often for the lesson to be disregarded.

The German cities of that time, with their wooden buildings, sheltered myriads of rats which greatly helped in spreading the disease. The hygienic conditions in many instances were unspeakable. These were supplemented by the grotesque quackery in the pretended art of healing. In short, everything was done to welcome the fearful Black Death. The accounts of this horrible scourge vary, but unknown thousands succumbed to the hideous plague. At Berne, 60 at least died daily, and 100 at Mainz and Cologne. In Mainz, Lübeck and Magdeburg alone, one-third of all the smitten died. Twelve thousand succumbed at Erfurt during the year 1350. The disease did not soon die out, but raged more or less fatally through the following decades, and when the horrifying conditions are remembered we wonder that the deaths were not more numerous.

With regard to Italy, we learn that soon after the deaths of the first victims of the disease all morality and discipline disappeared, especially upon the appearance of the terrifying comet of 1347, which had been foretold and which, it was believed,

would bring disaster upon the world. In 1350, a second comet flamed across the sky. Nobody knew how long he or she was going to live; the people, therefore, abandoned themselves to unrestrainable license. Since many owed all they had to the wealthy Jews, they accused them of poisoning the drinking fountains and assailed them as if they were so many rabid dogs. The slaughter of the Jews was chiefly in the Rhenish cities and the princes, for more than one reason, refused to protect them. "If they (the Jews) had been poor and the princes had owed them nothing, they would not have been burned," said a Strasburg chronicler.

In addition to the immense number of deaths, there broke out the ecstatic, penitent craze of the "flagellators." These processions were not novel, but had been introduced into Italy a number of years previous by the Dominicans, and were performed by both men and women. They appeared in Germany, where societies of flagellators were rapidly founded. They marched about with crosses and banners, singing doggerel "leisen," wearing special hats with red crosses and whipping their naked bodies with sharp balls attached to straps. In 1349, a reaction against this outburst of fanaticism set in. The cities forbade flagellations, and the pope suppressed the societies. All the same, they maintained existence, but as secret organizations who regarded the bloody punishment as the

only sacrament. Inquisition and pyre obtained many a victim from among their votaries and flagellation, whose sensuous pathology has become clearer to us, had many adherents in Germany for a long time.

The election of Count Günter of Schwarzenberg, and the desire of Louis for peace, made Waldemar of Brandenburg unnecessary to Charles.

In February, 1350, at the diet of Nürnberg, Charles dethroned him, and Louis became once more elector and ruler of Brandenburg, which still clung to Waldemar, even after he freed it from the oath of allegiance in 1351. Many cities could not be induced to change their attitude. Who he really was has been ascertained, despite many hypotheses that have been current. In 1350, he fled to Dessau and the Ascanians of Anhalt treated him royally. There he died in 1357 and was buried in the family tomb of the Ascanians.

In 1350, Charles succeeded in dissolving the confederacy of cities in Suabia. He was less successful in southern Alemannia.

Flourishing Zurich, since 1218 an imperial city, also participated in the struggles between the middle classes and the noble families, a quarrel which had been settled long before in Italy. Under the guidance of a certain knight, Rudolf Brun, who led the guilds against his own comrades, the former were victorious and the constitution of the city gradually

became independent of the empire. Brun was elected mayor, which position could very well compare with that of the Italian tyrants. A futile attempt of the noble families, led by the count of Rapperswohl, to abolish these innovations, brought the city into a hostile relation to the Hapsburgs. Zurich, therefore, in 1351 joined the "eternal" confederacy of Uri, Schwyz, Unterwalden and Luzerne, established in 1291, against the Hapsburgs. Duke Albert besieged it in 1351, while new reënforcements were obtained from Zug and Glarus (1352).

In order to please the Hapsburgs, Charles besieged Zurich in 1354, but without success. From the towers of the city waved the imperial banner and many soldiers did not like to see the monarch fight against an imperial city in behalf of the Hapsburgs. Charles finally gave up the siege. A treaty was made between the Hapsburgs and Zurich (1356), according to which Rudolf Brun became Hapsburg governor in Upper Suabia and Alsace and the confederacy was recognized. In the autumn of 1354, Charles went to Italy across the eastern Alps. Since the years 1331-33 he knew Italian conditions and understood how to approach the various parties in order to obtain the two crowns and much money. The latter did not necessarily have to be exacted in the form of regalia imposed upon the citizens, for the head of the empire was always compelled to renounce a number of priv-

ileges, honors and titles, from the duke down to the imperial notary and all this took place very solemnly during the Italian journeys.

A man of extraordinary importance in the development of the early Renaissance movements in Italy, the first conscious humanist, possessed of a high intellect and practical genius, was Petrarch, who tried to imitate the great Dante in his conduct towards the German ruler. Since 1350 he had sent letters to Charles saying Rome expected its bridegroom and Italy her savior. During Charles' stay at Mantua, the *poëta laureatus* was permitted to converse with the educated king and later on Charles elected him palsgrave (in Italy, which was a higher title).

On the 6th of January, 1355, Charles obtained the Lombardic crown at Milan, and then went to Rome by way of Florence, with which he had very skillfully secured reconciliation.

Not unlike struggles in other cities, the governmental procedures in Rome were characterized by the claim of the absent pope to control the city, as well as by the revived ancient *senatus populusque Romanus*. In 1347, Cola Rienzi (that is, Nicholas, son of Laurentius, a poor inn-keeper) had led to triumph a democratic movement against the ruling *nobili* and as an enthusiastic disciple of the humanistic studies, he assumed the title of "tribune" and dominated the new popular state of Rome. With-

out political ability or set aims he soon called himself *Augustus, candidatus Spiritus sancti*, and *miles*. The ancient and medieval had united in his ideas, which did not aim at the destruction of empire and papacy, but rather at their regeneration. At first this upstart appeared like a phenomenon and was wondered at by all Italy, admired by the pope and Emperor Louis. Even Petrarch sought his friendship and he became the intimate friend of the aristocratic Colonna.

Rienzi had invited Louis the Bavarian, Charles IV and the electors to a meeting, and as the latter did not appear, he set a certain date within which the Italian cities were to choose an emperor. This caused a collapse of his dignity and importance and, after many adventures in the Abruzzi Mountains, he went to Charles, in 1350, to persuade him to undertake an expedition against Italy. Charles cruelly handed him over as a "heretic" to Clement. This pope's successor, Innocent VI (1352-62), once more made use of Rienzi in behalf of the papal authority in Rome, by sending him thither escorted by a prudent and noble cardinal. Thus Rienzi became once more a senator of Rome, but after several weeks he was defeated by the Colonna party, was seized while attempting to escape from the capital and was put to death without the usual Roman formalities.

After this episode Charles came to Rome, which

he treated as the papal city and, in strict accordance with his promise of 1346, he stayed in the city during the coronation, which was done by two legates, and soon after left for the north.

The empire was won and its new possessor differed from all his predecessors. He now undertook to settle systematically all questions relating to the royal dignity, the rights of election, the ceremonies and everything connected therewith. In 1356, he proclaimed a new constitutional law, out of which grew the Golden Bull, the result of his bureaucratic desire for order.

At various diets and meetings from 1355 to the close of 1356, they discussed different subjects. Politics, of course, played an important part. A serious task was to win over the electors through new privileges and in conjunction with them to protect the royal interests against the cities.

The seven electors were, according to the Golden Bull, Mainz, Trier, Cologne, Bohemia, Saxony-Wittenberg, the Palatinate on the Rhine and Brandenburg. Saxony-Lauenburg and Bavaria were excluded, although the latter was allowed the privilege of voting alternately with the Palatinate, in accordance with the domestic Treaty of Pavia (1329). If the king of Bohemia were not a German, his right to vote should be denied. In the case of death or dethronement of the ruler, a new election should take place at Frankfort within three months, a

majority of votes should decide and the elected one should be crowned at Aachen.

The right of the pope to sanction the election was tacitly laid aside, *ad acta*. The privilege of ruling the empire, the "imperial vicariate," was divided geographically between the Palatinate and Saxony. Mainz was to be the lord-chancellor of Germany, Cologne of Italy and Trier of Burgundy. The offices were distributed as follows: Bohemia obtained that of a butler, the Palatinate that of a sewer, Saxony that of marshal and Brandenburg that of chamberlain. These seven electorates were never to be divided. Owning all regalia and having the privilege of speaking to the emperor only in case justice should be denied them (*jus de non evocando*), the dignity of the electors was fully acknowledged. They had to take the oath of allegiance and attend imperial diets, which distinguished them from the sovereign. War should be made upon all who refused to comply with the above duties.

A certain national air breathes through this arranging and reforming of the constitution which was announced at the diet of Metz, December 23, 1356 and which contained the solemn, golden seal (bull). A diet of Mainz in 1359 refused the pope's demand of the Tithe from Germany; for even without this, a great deal of money went to Avignon from all parts of the empire, so that the imperial

exchequer could only look upon the result with envy. Public peace hardly improved through the Golden Bull and Eberhard the Greiner of Würtemberg incessantly fought cities, counts, lords and neighboring princes, even his own brother Ulrich and both against and in favor of Charles IV.

The holy see accepted the Golden Bull without opposition. In 1365, Charles visited the new pope, Urban V (1362-70), at Avignon. During this journey he was honored at Arles on the 18th of June with the crown of Burgundy. Since the time of Rudolf of Hapsburg, the actual dominion over Burgundy, which had been strengthened by Barbarossa, was lost. Even Franche-Comté, with Dôle and Besançon, which had maintained a more intimate relation with the empire, was bestowed by Charles upon a French prince. He negotiated with the pope concerning the latter's return to Rome, and in 1367 Urban went to Italy. Charles followed him in 1368, punished the Visconti of Milan, who had attempted to assume the rôle of the old Lombardic rulers, strengthened the dignity of the pope in the city on the Tiber and led his horse from the "*Engelburg*" to the Church of St. Peter. Strengthened through the many penalties he had imposed and by new titles, he came back to Germany in 1369.

Aside from his excellent reign in Bohemia, Charles sought to expand the territorial possessions

of the Lützelburgs, and to prevent the opposing Houses from doing the same. He was always at an advantage over them because of his good management of the finances. In 1353, his father-in-law Rudolf of the Palatinate invested him with the Upper Palatinate. In 1364, he was able to redeem Lower Lusatia, which had been pledged to Meissen by Brandenburg. All over the empire he bought estates, properties and revenues and could ride for hours across his own possessions. He entered into an agreement with the Hapsburgs regarding mutual inheritance (in 1364), whereby he came into still closer relation with them through assisting them in obtaining Tyrol after the death of Margaret Maultasch in 1369.

Succeeding the death of her husband Louis and her son Meinhard, Margaret resided at Vienna. She bequeathed Tyrol to the Hapsburgs on condition that the suburb of Vienna was to bear her name Margareten. Louis of Brandenburg, in 1351, exchanged his land with his younger brothers Louis the Roman and Otto the Lazy, and he himself obtained Upper Bavaria. Owing to the disorder in the country, for which they, too, were to blame, the boldness of the undisciplined nobility, the decline of the once flourishing finances and the struggle with their brother Stephen of Lower Bavaria, these two gentlemen entered into an agreement with Charles in 1363, in accordance with which Branden-

burg was to belong to him if the ruling family of that electorate should die out. The oath of allegiance was taken before him and he began to establish order in the country. Later, in 1371, Otto broke the treaty in behalf of his brother Stephen, on the ground that Charles had deceived him. But the latter compelled Otto, a hesitant man weakened by drinking, to sign a new treaty concluded at Fürstenwalde, in August, 1373. The emperor expelled him from the country, after giving him a liberal sum of money, and took possession of the electorate. Thus the Elbe passed into the hands of the Lützelburgs. Charles bestowed certain privileges upon the city of Tangermünde, the strongest fortress and residence of the rulers of Brandenburg since the time of the Ascanians, through which the city was rendered as important as Frankfort on the Oder. He often stayed there and strove through navigation and commerce to improve the much weakened country.

These efforts brought the emperor into contact with the industry which flourished at the mouths of the principal rivers, and with the Hanseatic League, which until then had failed to interest the German rulers. The decisions respecting public peace began to spread over Mecklenburg and Pomerania. In October, 1375, he visited Lübeck, the capital of the Hanseatic League, where he exchanged courtesies with the aldermen of the city, so that it is safe to assume that he felt honored by the wealthy republi-

can citizens, not as a constitutional sovereign, but rather as a foreign potentate who had come to the city.

Although it seemed dangerous when Louis of Anjou, King of Hungary, in 1370 obtained the crown of Poland, the imminent Turkish peril forced him to seek aid from the emperor. In 1373, a treaty was concluded between the two, according to which Sigismund, the second son of the emperor, was to marry Louis' heiress Maria, and obtain the crowns of Hungary and Poland.

The German possessions of the Lützelburgs, including Bohemia, were to go to Wenzel, as a son by the emperor's third wife.

The third marriage of Charles, with the heiress of the Duke of Schweidnitz and Jauer, completed the Bohemian rule over Silesia, whose other duchies had sought for themselves the protectorate of Bohemia rather than that of Poland, with which the latter appeared to be pleased (in 1335). Thus Charles obtained possession of the still missing Silesian territories.

At the age of two years, in 1363, Wenzel was crowned king of Bohemia and in Brandenburg the citizens began to take the oath of allegiance. The father strove hard to induce the electors to declare Wenzel Roman king, although in accordance with the Golden Bull this could be done only after the death of the old ruler. The pope began to fight

against the Golden Bull, which had brought his rights and authority to naught. Wenzel was willing to renew the promise of his father made in 1346. After large sums had been paid to the electors, which were exacted from the cities, the "naughty boys" of the government elected Wenzel on the 10th of June, 1376. He had become of age according to the Frankish law. He was crowned at Aachen on the 6th of July. Before his election his brother Sigismund was invested with the Electorate of Brandenburg. The pope was notified of the election and entreated to sanction it, but the holy see set the date of the application and its sanction before the choice had been made.

The Suabian and, in short, all South German cities, which had to pay immense sums of money as the price of "imperial" mediation between them and their local enemies, had good cause to fear Charles. They were forbidden to form alliances, while around them were many offensive and defensive coalitions of lords and knights, with public names and insignia. Furthermore, the confederacies were the only means of protection against the adjoining knights and the exorbitant taxes of Charles, who sometimes pledged them or sold their offices to their worst neighbors. On the 4th of July, 1376, (exactly 400 years before the American Declaration of Independence), they renewed their Suabian Confederacy, comprising at first fourteen

cities under the leadership of Ulm, and declared they would not take the oath of allegiance before Wenzel unless he should recognize their confederacy. Charles marched against Ulm and the city resisted bravely. He retreated to Bohemia and Brandenburg and left Wenzel—or rather Wenzel's officers—as governor in South Germany, to adjust matters with the cities. In 1377, the latter defeated Ulrich, the son of their chief local enemy, Eberhard the Greiner, near the city of Reutlingen. After this Wenzel contented himself with their oaths of allegiance and their confederacy was acknowledged.

In 1377, Charles went with his son Wenzel to the court of Charles V of France. This averted difficulties, since in January, 1377, Pope Gregory IX (1370-78), the successor of Pope Urban, who had already visited Rome, removed thither for good, satisfied with the German policy.

In 1349, the last ruler of the Dauphiné had bequeathed his country,—which extended from the Alps to the Rhone with its capital Grenoble surrounded by high mountains and lying in the broad, beautiful valley of the gray-green Isère,—to France, for a fixed annuity. He made the condition that the heir to the French throne should be called “dauphin.” All this Emperor Charles ratified as a king of Burgundy. The whole visit was characterized by most elaborate ceremonies of the court at Paris, and by great care to let the emperor appear

only as a foreign distinguished guest and not as a superior lord.

Meanwhile the Suabian Confederacy expanded; both Alemannic cities of modern Switzerland and the Frankish city of Rotenburg on the Tauber joined it.

To leave no difficulties for Wenzel Charles settled, at the imperial diet of Nürnberg the struggles between the Confederacy and Würtemberg, in favor of the former. Like the Hanseatic League in the north,—the confederacy of the cities in the south was in its prime and filled with hope.

On November 29 of the same year, 1378, Charles passed away at Prague.

We are hardly able to love Charles, nor was he a highly distinguished personality. Unlike his predecessor, he was nervously active at all times. It was said that he could not listen to his counselors without carving or cutting something with his hands. In order to attain his goal he shrank from neither deception nor humiliation. There was nothing of the hero in him, nor could he serve as a figure for romance. He was only a good business man and an admirable manager. Still he accomplished tasks of great importance, among them the firmly established constitution. On that occasion, at least, he complied with the conception of the electors that the existence of the head of the empire and his election, concerned only and solely the Germans.

WENZEL

The inheritance of the Lützelburgs was again divided and this time as follows: Wenzel obtained Bohemia, Sigismund was awarded Brandenburg; John, another brother, secured Lusatia; and Jobst and Procop, the sons of Charles IV's son John, the first husband of Margaret Maultasch, gained Moravia.

Wenzel had a strong, straight body and was wholly unlike his somewhat effeminate father. He was a passionate hunter who would sacrifice everything for the enjoyment of the chase. He claimed to have an "inflamed liver," which could be quenched only through frequent and heavy drinking. Such people are usually friendly, good-natured and justice-loving, but sometimes melancholy and discontented. Of his peculiar fondness for play, we are reminded among other things by the bathing scenes and bathing girls who had to amuse him while he was turning the leaves of his splendid Bible and other manuscripts. These had incredibly frequent variations in the beautiful illustrations on the margin, and in the initial letters. The additions probably originated in the French, and the Burgundian-Dutch illustrated manuscripts. Wenzel's reign and court oppressed no one. Later sagas have distorted his personality, exaggerated everything and told chiefly of his whims and wicked intentions.

Wenzel, who lived in full accordance with his time, and did not by any means offend its morals, could very easily have become a popular prince.

More than ever his reign was influenced by confederacies of both cities and the nobility, as well as of princes. At first Wenzel tolerated them, yet later on when they attempted to increase their power, he strove to check them, but as he was not successful, he allied himself with the cities for the sake of mutual gain. The latter strove mainly to establish real peace on the commercial roads and to secure commerce by means of alliances. It was the period of highest prosperity with the cities, but at the same time conflicts arose between the guilds and families, which did great harm to the cities. In 1374, these troubles reached the northern part of the empire, the Hanseatic League in Brunswick being the first affected. Only a few cities were interested in public peace. Much booty and many stolen cattle were brought into them in time of feuds, meat became cheap, and those people who had nothing in common with the leading business men earned large sums of money. A pan-German expansion of the confederacies of the cities, as in the time of William of Holland, was no longer desired. They remained territorial groups and, in addition to the Suabian Confederacy, there were an Alsatian (1380), and a Rhenish union (1381), which came in close contact with each other.

The whole disposition of the nobility was essentially different from that of the time of the Hohenstaufens.

There was no longer any common center for the knighthood, and even the royal court became a territorial one. Enthusiastic pilgrimages ceased, no promising career tempted the individual, such as the Hohenstaufens had given to their knights in Italy and the Crusades became an idle dream. Those knights who once upon a time were ambitious to acquire, somewhere in the world, a principality or a kingdom, had disappeared; the minnesingers were silent, and the people fell into a prosaic, every-day existence, oppressed by debts and neighborhood feuds, living on booty, and even on highway robbery and ransom. The fact that this class, with its pedigrees and lineages, separated itself from others, instead of developing like the English gentry, had by no means benefited it. The best thing these knights could do was to render military service to the cities. They began to form societies, which spread chiefly in Suabia, Hesse, Westphalia and the regions near the Rhine.

The princes, too, found themselves in bad material circumstances. They were often compelled to borrow money and pledge their possessions for interest which ranged from 20 to 200 per cent.

Politically the mutual relation of these classes was peculiar. The princes frequently opposed the

nobility more strongly than the cities and often joined the confederacies of the latter. Sometimes they stood up against both, thereby bringing about an alliance between the traditional enemies. The villages in the Swiss Confederacy were opposed to the union of Suabian towns; but, in order to acquire greater strength against Duke Leopold of Hapsburg (1351-86), the lord of the Suabian domestic estates, Solothurn, Berne, Zug, Zürich, Luzern and Mülhausen, joined, in 1385, the confederacy of the Suabian-Rhenish cities.

The time was highly favorable for the towns. The royal decrees did not dare to abolish their unions. The treaty between them and their princely opponents in southern Germany, brought about by Wenzel in 1384 and known as the *Heidelberger Stallung*, definitely acknowledged the confederacies of the cities. These Southwest German princes meant to dethrone Wenzel soon after their victory over the cities, which fact brought the king into still more intimate relationship with the towns. In June, 1385, at a convention of them at Ulm, which Wenzel himself attended, it was decided that of all the money the cities owed the Jews one-quarter, together with the interest, should be cancelled. In August of the same year Wenzel deprived Duke Leopold of his lordship over Suabia, which by no means pleased the cities. A collision between them and Leopold was nearer than was foreseen at the time.

Towards the end of 1385, Luzern attacked an especially hated Hapsburg custom-house at Rotenburg and Zug destroyed a Hapsburg castle. In 1386, Leopold marched against the rebels. The Suabian Confederacy would have aided its ally, but the Rhenish cities prevented. Of South German lords many, including Count Eberhard of Würtemberg, joined Leopold. Thus Luzern and the peasants of the three other Swiss cities by themselves defeated the arrayed ranks of the knights, in the fierce battle near Lake Sempach, fought on the 9th of July, 1386, and killed Duke Leopold, together with 400 others of their noble opponents. After a further victory at Glarus near Näfels on the Linth, April 9, 1388, the sons of Leopold left the confederates in peace.

Although the great confederacy of cities had wished to remain neutral, difficulties arose soon after the battle of Sempach, for it was by no means a war in a neighboring country, as one might think today. An unexpected collision between princes and lords on the one hand and the cities on the other took place and in vain was the Treaty of Heidelberg prolonged. Already, in 1387, there were local struggles, including those with Eberhard of Würtemberg and others. The palatinate, Lorrain, Paden, the burggrave of Nürnberg, and other temporal and ecclesiastical princes joined Bavaria and Würtemberg. All South Germany was in arms,

ready to assail each other. The army of the confederacy of the cities which marched against Eberhard met the peasants of Döffingen, but on Sunday morning, August 23, it was surprised by Eberhard and his son. The battle was sharp, Ulrich and many counts and nobles were killed and the cities were at an advantage, but the aged Eberhard drove his men into the fight, received a reënforcement of a hundred men, and was victorious in the end. On November 6, Palsgrave Ruprecht defeated the Rhenish cities between Worms and Alzey, and May 14, 1389, he overcame Frankfort. Meanwhile the quarrel was mediated and Wenzel forbade the further organization of unions among the cities, which order was gradually obeyed. Only the confederacy of the cities near Lake Constance remained.

While southern Germany exhausted itself through continuous battles and strifes, in which the crown played no important part, the nations in the west, north and south were on the point of forming independent monarchies. Simultaneously dangers of a new nature arose, because of the new duchy of Burgundy.

This was composed partly of the French duchy Bourgogne, near Dijon, with which King John of France had invested his son Philip the Bold, in 1363, to the anger of those who favored a uniform monarchy. It embraced in addition the free county of Burgundy (Franche-Comté), with which Charles

IV had invested the same Philip. Through his marriage with the heiress of Flanders, he secured Artois, Mecheln and Antwerp. Philip's dominion also spread over the German Netherlands, which, because of their rich cities, soon became the financial center of the new state and the dukes removed their court to Brügge in Flanders.

In the East, the hopes of the Lützelburgs were only partly realized. In 1382, King Louis of Hungary and Poland had died. Sigismund could have maintained Hungary, but the Poles rose against him. In 1386 Hedwig, the younger daughter of the former King Louis, was wedded to Prince Jagiello of Lithuania, who had to be converted to Christianity first, and who became the chosen king of the Poles.

Through this unification with Lithuania, Poland grew powerful. It was created centuries before out of the territory of one of the numerous Slavic tribes, saved by the Germans against Slavic polycracy, raised to high standards by individual leaders and developed and enlarged through German emigrants, so that it could now attempt to absorb the German Order and the German element in those regions, and establish an imposing empire in the east.

In addition to all this, the Lützelburgs were no longer a closed dynasty as in the times of Baldwin and Charles. The ambition of Jobst of Moravia confronted Sigismund and grew dangerous, after

he had received Brandenburg as a pledge in 1388, for Sigismund was always in need of money. Jobst also took part in the capture of Wenzel by means of a conspiracy of Bohemian noblemen in 1394. His confinement in the monastery of Beraun followed and he was compelled to spend the remainder of his life as a prisoner in Bohemian and Austrian castles.

The opinion about Wenzel is best expressed by a modern word: his reign was looked upon by many as a "scandal," including the fact that he permitted himself to be imprisoned. Ruprecht II of the Palatinate became imperial vicar, in accordance with the constitution, and summoned the princes to Frankfort. The electors demanded that this method of government should cease immediately. Even Wenzel's own brother sided with them, since he wished to rule in his stead. After his first wife who was the lawful heiress of Hungary died he had to use care regarding his future. Furthermore, he felt that the laurels of a victory over the Turks should make him popular throughout Hungary and Germany, but his hired French and German troops were defeated at Nicopolis, September 28, 1396. The military training of the late medieval knights that had been successful in the war against the Swiss Confederacy, proved now of no avail. Sigismund escaped through the help of Frederick of Nürnberg. Jobst was again at advantage over his

brothers and, in 1397, Wenzel invested him with Brandenburg, which Sigismund had pledged to him in 1388. Another investiture of great importance and secured by large payments, was made in 1395. Both Wenzel and his father had recognized the position of the Visconti as tyrants of Milan, and endowed them with the imperial vicariate. But it was something more if Wenzel, the present head of the family, made the bloody, violent Giangaleazzo, whose dominion spread over large parts of Upper Italy down to Toscana, a duke, thus receiving him into the ancient princely families of the empire.

The ambition of the two younger aspirants collided with a third, one who made use of the confused condition of the Church. He was Ruprecht III, since 1398 elector of the Palatinate.

There had been two popes since 1378. After the death of Gregory IX at Rome successors were chosen both at Rome and Avignon. Such a schism interested not only the clergy but the nations, since the question was raised as to whither the contributions to the Church should go. At a diet of Frankfurt in 1380, Germany acknowledged the pope of Rome, as did England and Italy. But in 1397, upon the urgency of France and with the consent of Paris, Oxford and other universities, the international plan was adopted, in order to bring the schism to an end by insisting that the two popes,

Boniface IX of Rome and Benedict XIII of Avignon, should abdicate. Wenzel, who at this time (and he well knew why) displayed great willingness and activity in matters concerning the empire, went to Rheims to meet the French king and discuss matters (1398), but the electors now left him in the lurch.

The leader of the intrigues was Ruprecht. The most important personage was John of Mainz. The two electors negotiated on behalf of Pope Boniface and regarding the dethronement of Wenzel. The latter opposed them, not personally but through representatives, and persuaded them to postpone carrying out their plan. On August 20, 1400, Wenzel was dethroned by the electors of Mainz, Trier, Cologne and the Palatinate, who met at Oberlahnstein opposite Rhense. The grounds for the dethronement were that he had made Giangaleazzo Visconti an imperial prince, and shown inability in important affairs of state. On the following day, Ruprecht was called as Roman king, chosen by the same electors who had dethroned Wenzel and among whom were himself and the archbishop of Mainz. Aachen sided with Wenzel, and the palgrave had to be crowned at Cologne. The new king and his electors humbly entreated Pope Boniface to sanction the choice that had been made.

The electoral vote of Bohemia was on Wenzel's side, and if he were skillful he could secure that of

Brandenburg and the vote of Saxony, which was sorely vexed by the whole course of the vicar of the Palatinate. The cities, too, were against the new priest-king, especially because he was obliged to grant to his electors the tolls in the Rhenish regions. Hapsburg, which was purposely omitted while diplomatic negotiations were going on, was also opposed to the new king, though not in favor of Wenzel. Similar was the case of Bavaria, of many less important lords and of Wenzel's brothers. Thus there was sufficient material for the formation of a party of considerable strength. Wenzel was in possession of the imperial insignia, which was considered, because of the naïve ideas of the times, as constituting legitimacy. But before and after the election at Oberlahnstein, Wenzel did nothing but curse and threaten to kill Ruprecht. Sooner or later, he drove away his adherents. He resided at Prague as king of Bohemia, occasionally dethroned and imprisoned by Sigismund. All the time he regarded himself as the German king and was occasionally consulted respecting important events of the empire.

CHAPTER XV

RUPRECHT

TWICE did epicurean disposition, which was interwoven with the life in the gay Palatinate and its history, induce the Wittelsbachs to seize the crown. That was in 1400 and 1619, and twice the electorate proved too weak to succeed. Owing to Wenzel's mode of life, Ruprecht did not play the part of anti-king as many had done before him.

Upon the whole, Ruprecht was not bad. His ambition was benevolent and he strove to aid all. Personally he differed from Wenzel; he was popular among his people and the University of Heidelberg, the oldest in the German empire, founded in 1386 by his grand-uncle Ruprecht I, added to his dignity.

The previous king was dethroned primarily because he had deceived the empire by making the tyrant of Milan an imperial duke. The new king, therefore, had either to acknowledge Wenzel's act or cancel it. For various reasons, he preferred the latter course, although the imperial power in Italy could expect nothing less than the recognition of the Visconti. Affairs in Italy were marked by a

decisive struggle between Milan and Florence. The latter, the old Guelfic city, offered Ruprecht large sums of money to come to Italy with an army. He could thus hope to obtain the imperial crown and gain supremacy over Wenzel's kingdom and a general recognition as emperor. With the aid of Venice, which played the part of financial agent, an understanding was effected. Boniface in Rome confined himself to a policy of watchful waiting, without depriving Ruprecht of his hope of obtaining the imperial crown.

Irresolute because of repeated disappointments and sometimes filled with glowing expectations, Ruprecht crossed the Brenner in 1401, with a small army. Giangaleazzo scornfully rejected the ultimatum to cede his acquired provinces. Ruprecht marched toward Brescia, where he expected a rising against the tyranny of Milan. On October 21 he was defeated and unable longer to hold his men together, he returned to Trent. He then entered Venetian territory to Padua, but the people of Venice and of Florence refused to continue their payment. He was forced to pawn trinkets and tableware, and the spring of 1402 found him again in Germany.

While Ruprecht was in these discouraging circumstances Sigismund, who held Wenzel as a prisoner, opposed him and entered into an agreement with Austria. This brought Ruprecht into contact

with Pope Boniface, who had nominated Louis or Ladislaus of Anjou for king of Hungary against Sigismund, October 1, 1403. The pope sanctioned Ruprecht's election and Wenzel's dethronement.

With honest intentions, but poor mental equipment, Ruprecht did what he could for his empire by again establishing public peace. He was sincere, severely punished violations of law and sanctioned the organization of a new court of justice.

In Westphalia, the old county-courts gained control over the means for the preservation of justice and peace and as such they spread throughout Germany. Ruprecht recognized the activity of these courts, "*Femgerichte*," and held himself to be the supreme judge.

Wenzel's unfitness had been proved in 1400, by his defective laws concerning public peace. The people expected little or nothing from Ruprecht in regard to these laws. His electors deserted him long before and the archbishop of Cologne left him in the lurch in front of Brescia, as if he were a traitor, while the archbishop of Mainz, as well as Margrave Bernard I of Baden uttered many grievous complaints. To Bernard, Wenzel had granted new tolls against Speyer and Strasburg, of which Ruprecht deprived him for the sake of the cities. Furthermore, the adventurous and feud-loving ruler of Baden allied himself to Louis of Orléans, a brother of King Charles VI of France, who had

bought from Jobst of Moravia the supremacy over Lützelburg, (in violation of a previous cession of this little province to Burgundy), and had intentions of securing the German crown. This ambition was defeated in 1403, through the vigorous expeditions of Ruprecht and Eberhard of Würtemberg into Baden. The question regarding the tolls was to be discussed later. On September 14, 1405, at Marbach on the Neckar, Mainz, Baden, Würtemberg, Strasburg and seventeen other cities entered into an alliance for the preservation of peace; that is, against Ruprecht. The latter attempted to dissolve the alliance at a diet of Mainz, but did not succeed. It grew still more powerful, joined by the cities of Worms, Rotenburg, Augsburg and the duke of Bavaria, Ingolstadt. Only through granting new privileges could Ruprecht rally these allies around the Palatinate. He was forced to acknowledge the alliance and thus once more the stubbornness of the allies publicly defeated the strenuous efforts of the king.

The schism in the Church had not yet been settled. The Roman pope, Gregory XII, therefore proclaimed a council. On the other hand, many clung to the former plan to proceed independently against the two popes. The most earnest among these were the universities, including that of Heidelberg. The latter party announced another council to be held at Pisa. Ruprecht, to whom the pope had left the



**Interior of the Church of St. Godehard at
Hildesheim.
Erected 1133-1172.**



naming of the place and time for such meeting, was not able to perform that task. He could only warn those who had assembled at Pisa, in the spring of 1409, that they would merely create a triple schism. The prophecy became true, chiefly because of his lack of tact and diplomacy. Instead of attempting to win over the popes, or to protect and lead the council, Ruprecht had to note how those assembled regarded Wenzel as the legal German ruler. Ruprecht was represented by others at the council, which gave to him the scornful reply that he had nothing in common with that body. The latter disposed of both popes and chose Alexander V (Peter Philargius, a native of Candia), who was followed by John XXIII (1410-15). The popes of Rome and Avignon did not abdicate, however, and Benedict XIII remained in schism until his death in 1424.

John XXIII was a native of Naples named Baldassarre Cossa, and was said to have been a pirate in his youth. As a clergyman he gained fame through Boniface IX and almost every crime in the calendar was ascribed to him, including that of poisoning his predecessor, Alexander V.

It was a triumph for France thus to defeat the German king though the Fathers of Pisa. John of Mainz, imperial chancellor, joined the latter and became the legate of their pope, whereupon many other German princes recognized the council of

Pisa. All three Lützelburgs,—Wenzel, Sigismund and Jobst,—believed their hour had also come. Sigismund drew into closer contact with France and with the Visconti. At this juncture Ruprecht, who gathered an army against the archbishop of Mainz, was freed from all earthly troubles by an early death, on the 18th of May, 1410. His wife Elizabeth, a burggravine of Zollern, followed her husband a year later. A beautiful monument marks the resting place of both, in the Church of the Holy Spirit, at Heidelberg.

SIGISMUND

More confused than ever were the plans in 1410 as to who should become king. Besides the Lützelburgs, there was an Austrian candidate, while Ruprecht's son contented himself with the offered imperial vicariate. John of Mainz was of decisive importance for the coming election. He was inclined to assist Wenzel in obtaining the German crown once more, but since he was to assume all expenses of the election, John turned towards Jobst of Moravia. A successful mediator between Palsgrave Louis and Sigismund was Burggrave Frederick of Nürnberg, a relative of Louis and a counselor of Sigismund. He personally spent much money in aid of the latter's election. Trier could easily be won over by similar means.

Throughout the month of September, electors

and counselor were present at Frankfort while matters remained undecided. The Palatinate and Trier insisted upon a speedy election. On the 20th of September the electors went to the Church of St. Bartholomew, but found it closed. They proceeded on the same day to elect Sigismund, the German king. Sigismund himself, through the burggrave, cast the third vote for Brandenburg, whose electoral support had not been promised to Jobst with the pledging of the electorate. On October 1, Mainz, Cologne, Saxony and again Brandenburg (Jobst), elected Margrave Jobst, in the Church of St. Bartholomew. As Wenzel still continued to be *rex Romanorum* the empire had three kings, just as the Church had three popes. No doubt Jobst's election was more lawful, although the four electoral votes demanded by the Golden Bull could have been easily contested.

Jobst was freed from all difficulties through his early death at Brünn, on the 8th of January, 1411. Of course, through this event Sigismund's sole kingship was by no means established. John of Mainz hated the dynasty of the Palatinate and consequently disliked its elected king. But Sigismund negotiated very skillfully with Wenzel by means of promises and intimidation. Wenzel should be crowned as and bear the title of emperor, but Sigismund was to reign in the empire. By recognizing John XXIII and other concessions, he came into

friendly relations with the party of John of Mainz and prepared himself for the journey to Frankfort. He had entered into an agreement with the Hapsburgs in 1402, according to which the young Duke Albert of Austria was to become his son-in-law and heir. Thus all parties did not wish to oppose Sigismund and on July 21, 1411, he was unanimously elected.

Sigismund was born in 1368 and was a son of Charles IV by his fourth wife, Elizabeth of Pomerania, a woman of amazing bodily strength of whom it is said she could break horseshoes that had not been used before and tear iron coats-of-armor as if they were linen. She stood like a rude Brunhilde of that peculiar century, at the side of this effeminate Lützelburg. The offspring of the marriage was a rugged, healthy man, endowed with rich mental gifts and a vivid temperament which united the good and the trifling. He had courage, impulsiveness, and also thoughtlessness and vanity. From his childhood his beauty had been praised and was one of his most noted qualities, that was admired. We can imagine how the noble attendants in the cities who had taken the place of the medieval ladies whom the minnesingers praised, were in a flutter of excitement when this king and emperor rode into their town. Besides this, there were women favored by the "better" classes, whose social position became characteristic of the colorless period

which knew of no temptations and which changed in the course of the same century. At Strasburg, in 1414, at the dawn of day, a band of females broke into the chamber where Sigismund was sleeping and seized him before he could barely slip on a coat, while a middle-aged man raged protestingly beside them. In Körber Street, they bought the barefooted king a pair of shoes for seven cents and put them on him, after which he went home and resumed his slumber. This scene is not the worst that is told about Sigismund in the chronicles of the cities. It would be Pharisaic to defend the German Late Middle Ages, which stood between decomposition and new formation. In those Bohemian Lützelburgs we should feel the throbbing of the European East, and be prouder today in comparing the East in many respects with the late medieval times.

Sigismund's life, previous to 1410, was filled with many stirring adventures. The short-lived episode in Poland, the effort to hold Hungary in face of the Magyar opposition which kept him as a prisoner at Budapest, his struggle with the papal anti-king, Ladislaus of Naples, his expedition against the Turks, his reign in Bohemia which he had wrung from Wenzel, his negotiations with Italy and France, and finally, his attempts to win the German throne;—one would say that the entire thoughtlessness of his nature changed to a political yearning for all and a content with nothing. We

must also remember that he succeeded in strengthening his power in Hungary and as an organizer of the country, therein being a son of his father, he had rendered himself useful. He brought Bosnia, Dalmatia and Servia under Hungarian supremacy, thus saving those countries from the grip of the Ottomans.

The beginnings of Sigismund's reign were occupied with tasks in eastern Europe rather than in Germany. With the German Order he entered into an alliance against eventual attacks by Poland, but the unhappy battle of Tannenberg, July 15, 1410, was fought without him and in 1411 the Peace of Thorn was concluded without any voice on his part. Not until 1412 could he negotiate several questions that had not been discussed at Thorn, and then no favorable result was secured, either for the empire or the Order. The requirement of showing the ruler in person to the Brandenburgs was onerous, but none the less it was a benefit to him. Since he owed Frederick of Nürnberg gratitude and money, he invested him with that electorate in 1412. From 1411 to 1413 the king was occupied in war with Venice, which regarded itself as menaced by the establishment of Hungary at the Adriatic Sea. Hard upon this, he strove to gain control over Upper Italy and succeeded, at least, in obtaining the latter's recognition of his crown.

It was more important that, during his stay in

Italy (1413), he was able to negotiate with John XXIII regarding a council. Sigismund demanded that it should be held at Constance. There he brought the schism and more important questions of the Church to a conclusion, through a diplomacy superior to that of Ruprecht. While returning to Germany he spent some time in the Swiss Confederacy, the last German king who has been honored there as a supreme monarch. In the summer of 1414, all who wished to attend the council appeared at Constance, with their numerous adherents and servants.

Many pamphlets discussed the idea of placing the council above the pope, through the former's alliance with the imperial power, and referred to Otto I and Henry III. A movement opposing the financial demands of the holy see was especially active. It was chiefly vigorous against the annates and the pallia-payments. Since the Lateran Council of 1215, the exercise of the judicial power of the archbishops was connected with the receiving of the "pallium," for which the pope demanded immense sums. The annates were in the first place a tax exacted after the sanctioning and consecration of new bishops. The income which went to the pope in case of an episcopal vacancy was also included under annates.

At Constance John Huss appeared, among others, after Sigismund had promised him safety.

A movement originated at Oxford by John Wickliffe (1330-84) had been carried to Prague. It was based upon the Bible, placed the authority of the divine revelation above the recent doctrines of the Church, rejected the homage of saints, celibacy, the Last Supper and auricular confession, and strenuously fought "anti-Christianity" within the papacy. While the persecution of the Wickliffites in England as heretics could not destroy them utterly, their principles became known at the University of Prague and found an active champion in John Huss (1369-1415), who had lectured since 1398 and was at the same time a preacher at one of the churches of Prague. While he remained dependent upon Wickliffe intellectually, he urged a practical return to the constitution of the Church in the Apostolic times, and denounced the avarice of the clergy and the trading with feuds and indulgences. Since Huss was a Czech, a native of Hussineiz in southern Bohemia, and since the German teachers of the university rejected his revolutionary reform, the theological schism assumed a national character. The movement grew so rapidly and the Czech national affairs became so dominant that King Wenzel, whose language and feelings were German, could not help changing the votes at the university. He gave to the Bohemian nation three votes and to the Bavarians, Saxons and Poles the fourth vote. This took place in 1409 and induced many

German and Polish students and professors to leave Prague and found a new university at Leipzig. There were many tumultuous scenes at Prague, where the party of Huss was the only one of importance. Executions were frequent and Huss himself was excommunicated and had to hide among his noble adherents.

We possess an elaborate and almost modern realistic description of the Council of Constance, written by Ulrich Richental of that city, who personally saw and heard all that occurred.

Thirty-three cardinals, about 300 bishops, numerous representatives of thirty-seven universities of all nations, fifty princes and hundreds of noblemen, attended the council, escorted by knights, knaves, clerks, lower clergymen, and servants from the entire Roman-Christian world. For it was known that not only questions regarding the Church would be discussed, but other matters of major or minor importance. There was also a great number of native and foreign merchants, jugglers, beggars and abandoned women, which gave to the city and its vicinity for years the appearance and character of an immense fair.

John XXIII arrived at Constance in October, 1414, by no means well disposed but filled with hope of accomplishing much by means of gold and Neapolitan diplomacy. He had made an agreement with Duke Frederick of Austria-Tyrol, who prom-

ised to protect him and eventually help him to escape from the city. He opened the council early in November. Sigismund was still near the lower Rhine and a few days later was crowned as king at Aachen by the archbishop of Cologne. It was near Christmas when he arrived at Constance. Huss was seized by the cardinals, held as prisoner in the castle of the bishop of Constance and tried as a heretic. Sigismund endeavored to keep his royal word, but decided finally not to offend the cardinals. To soothe the imperial conscience, the noble ecclesiastical lords declared that in dealing with a heretic, one need not keep his promise, but from his misgiving about Bohemia, Sigismund's future hereditary land, they could not free him. The ecclesiastical sessions concerning Huss took place in June and July, 1415. Wickliffe's teachings had been condemned anew in May, and Huss was called upon to defend his doctrines before the assembled Christians. He was given permission to renounce them, and Sigismund urged him to do so. Such conscientious men as Huss, however, whose radicalism is based upon their inmost convictions, do not renounce. His address was powerful and he boldly appealed from this body of blinded clergymen who walked in the darkness, to Jesus Christ. He referred to Sigismund's promise and showed that, from the worldly point of view, everything was unjust through and through and called aloud for

punishment. He was convicted as a stubborn heretic, driven out from the Church and turned over to the worldly arm of the henchman.

Sigismund passed him to the palsgrave, who surrendered him in turn to the magistrate of Constance to perform the execution. West of the city, on the Brühl, a pyre had been erected, for the would-be executioners were impatient. Soon after the verdict, Huss was led to death, the paper cap of the heretic on his head, with the inscription *Hæresiarcha* and with the customary frightful drawings showing how the devil rides to hell with such as he. Once more did Sigismund beg him, through the marshal of Pappenheim, to renounce, but a thousand deaths would not have affected his determination. Then the straw and pitch about the poor Czech teacher were set ablaze and, after all was over, the ashes were thrown into the Rhine. In the following year Huss' friend and fellow-worker Hieronymus, also a Prague teacher, met with the same fate. In April, 1415, he had rushed to Constance in an attempt to save Huss. He was seized, tried as a heretic and renounced his faith in order to be freed, but did not succeed. He then recalled his renunciation and on May 30, 1416, was executed.

Meanwhile, the matter of John XXIII had also been decided. Things went contrary to what he had expected. Heretofore, questions regarding church affairs had been decided according to the number

of persons and whenever councils were held in Italy the clergy were in the majority, because Italy had a bishop in almost every mediocre city. John, who was able to have the council held in Italy, had counted upon the great number of Italians whom he brought to Constance, by means of whom he expected to render the body harmless. To his dismay, it was decided to cast the votes according to nations:—Germans, Italians, French and English. Included with the Germans were the North Germans, the Poles and the Hungarians. This measure was due to the efforts of famous intellectual leaders of the Church to be serious regarding not only the settlement of the schism, but also respecting the “reformation of head and limbs,” as a winged expression current in those days said. Those leaders were chiefly Petrus de Aliaco, (Pierre d’Ailly of Paris), whose main work was *De necessitate reformationis ecclesie in capite et in membris*, and his disciple John Gason, the chancellor of the University of Paris, the author of *De unitate ecclesiastica* and *De auferibilitate papæ*. A great many complaints were made against John and he abdicated March 2, 1415, both he and the council thinking the other popes would do the same.

Later John regretted his course. With the assistance of Frederick of Austria, who diverted nearly all the people to a tournament before the city, he left Constance in disguise and went to Schaffhausen and

afterward to the Hapsburg city of Laufenburg. It was by no means a foolish enterprise, though much overestimated by the majority, who imagined that the Hapsburgs would take up arms and the pope would proceed against the council unless it should be dismissed. Here Sigismund did what was needed. Frederick was excommunicated and early in May, the founder of the Golden Roof at Innsbruck, though none the less called Friedel with the Empty Pocket, had to implore forgiveness for himself, and promise to surrender the dethroned pope to the council. John was seized by Frederick of Zollern, held as prisoner at Gottlieben and was formally deposed on May 29. He was confined in the castle of Heidelberg under guardianship of the palsgrave, who treated him with consideration.

With John there came to Constance a man whose name was not so well known throughout the world as it became soon afterwards. This was the young banker, Casimo dei Medici of Florence. When John took to flight, the young gentleman followed him, visited some parts of Germany and regulated the financial part of John's pardon and liberation by paying 30,000 ducats to the palsgrave. As guest of the Medici, the dethroned pope, who obtained from Martin V the title and income of cardinal-archbishop of Frascati, passed away at Florence in 1420 and Donatello built his monument in the baptisterium.

Of two other popes the Roman, Gregory XII, resigned in the autumn of 1415. But Benedict XIII of Avignon refused to imitate him, counting upon the loyalty of his Spanish countrymen. Sigismund set out for Spain. He induced the kings of Aragon, Castila and Navarre to forsake Benedict and to send representatives to the council, which now dethroned him also.

Sigismund's ambition to play a splendid part by avoiding conflicts of his own and peacefully settling others caused him to make further visits to Paris and London. France and England were at war with each other and the former had been defeated decisively at Agincourt in October, 1415, by Henry V. Charles VI entreated Sigismund to mediate. He was willing to do so, for he was filled with the great ideas of the time. An expedition of all Europe against the Turks, under his leadership, the reconquest of Jerusalem, and universal imperialism of the Lützelburgs, formed his magnificent, far-reaching scheme. Lack of money and his political inability, however, brought the grand enterprise to naught. With a miserable, practically harmless offensive and defensive alliance against France, which he concluded with England at Canterbury in 1416, he returned and, in 1417, again arrived at Constance.

At the council the desire to undertake the much discussed reform of body and limbs had been al-

most forgotten during Sigismund's absence, because of the differing political dispositions of the Italian, French and Spanish prelates, (the latter made the fifth voting nation). They demanded the election of a new pope and thus the reform was laid *ad acta*. In vain did Sigismund try to amend the failure of his journey to foreign countries. In November, 1417, the conclave, in the merchant building at Constance, (all the meetings took place in the dome and upon the Dominican Island), elected the cardinal Otto Colonna, who called himself Martin V, after the saint of that date. Then all desired that the council should adjourn and in the spring of 1418 they left Constance, and the reform was postponed for subsequent action.

As to the worldly affairs which were discussed at the Council of Constance, it became of utmost importance to German history that the electorate of Brandenburg should be transferred upon the counts of Zollern-Nürnberg. Sigismund's debts were so enormous that he scarcely thought of repaying them in cash to the ever-faithful burggrave. In 1415 he had conferred upon Frederick the office of margrave and lord-chamberlain, and only by the payment of 400,000 ducats could he demand it back. Frederick, who lived at Constance in the still preserved "high house" of stone, was invested with the electorate on the 18th of April, 1417.

The movement of Prague had produced a martyr

through the flames of Huss' funeral pyre. Four hundred and fifty-two Bohemian lords and knights protested against the accusation of heresy. At the same time, they began to displace the old parsons with those of the new or "Hussitic" movement, which began to develop dogmatically and aggressively. The Lay Chalice, first offered by the Prague priest, Jacob of Mies and approved by Huss, the Last Supper *sub utraque specie*, became the symbol of the movement, especially because the council had rejected them. At the Church of Prague, four articles were put up as of fundamental importance,—preaching in the language of the laymen, Lay Chalice, more severe discipline over priests and taking from them their worldly possessions. Such, in substance, was the platform of the moderate party of the "people of Prague." Related to them was the nobility of the Utraquists or Calixtines, that is, receivers of the Chalice, while the religious and social radicalism of the Taborites, as they were soon called, formed the most revolutionary and largest group. They consisted of fanatical Czech peasants, their leader being the valiant nobleman John Ziska (pronounced Shishka), of Trognow, in the county of Budweis. He had fought near Tannenberg (on the side of the German Order), at Agincourt and against the Turks upon the mountain in the county of Bechin, where, in 1419, an immense Last Supper for the people was celebrated. He founded the fort-

ress "Tabor" and himself became the organizer of the militant Hussites.

Of minor importance were other Hussitic sections, including the Adamites, who were absolute communists. Ziska assailed and utterly defeated them in 1421.

Wenzel at first ignored the whole movement, but later obeyed his brother Sigismund in every respect. In August, 1419, he died while the capital was divided into two hostile parties because of an insurrection in Tabor. Sigismund was now to become the heir of the childless brother,—Sigismund, the betrayer of Huss. At Brünn, in Moravia, the Bohemian classes took the oath of allegiance, but the Taborites bitterly resisted and destroyed many churches. It constituted sanctification to bathe one's hands in the blood of his enemy and the horrible declaration became the motto of these insane fanatics. With the aid of Pope Martin, who called the people to a Crusade, Sigismund marched against Prague in 1420, but was unable to capture it and his Crusaders were twice defeated. Even the more moderate party forsook him and looked for a new king in Poland and Lithuania. A Lithuanian ruler actually came to Bohemia instead of Sigismund, but without accomplishing anything, for Ziska was the uncrowned king. Sigismund was not successful, though he emphasized the declaration that the interest of the whole empire was at stake.

In 1422, at the diet of Nürnberg, the "Common Farthing" was demanded, a universal property tax of one per cent, which became of great importance to the financial constitution of the empire. The so-called "*Reichsmatrikel*," however, was adopted, according to which the cities were also to contribute, yet it was a long way from the decision to its enforcement. Meanwhile, with the aid of individual princes, including Albert of Austria, an army was gathered under the leadership of Frederick of Brandenburg. They were frequently defeated by the Taborites, for the latter had learned considerable in the art of war. In 1422, near Deutschbrod, in 1426, near Aussig, and in 1431, near Taus in the Bohemian Forest, the Germans suffered very heavy losses. Before this the Hussites had begun to push their expeditions into neighboring countries. In 1424, Ziska was killed after having been blinded three years before, and left a worthy successor in little Procop, a former monk and Ziska's officer.

Silesia and Franconia suffered most, and to this day those who read cannot forget the horrors of the Hussitic expeditions. The heretic fire that had been kindled at Constance was blazing with a hundred-fold fierceness about valiant German priests who would not "renounce," around bathing houses where the inhabitants were driven, about city halls, churches and cellars filled with refugees, through en-

tire villages and towns which found no protection in their fences and walls against the bands made wild by savage appeals and the lust of booty. As in the Thirty Years' War of a later period, so strove the Hussites. Today the plow turns up many a furrow where once stood a flourishing settlement whose name is only dimly remembered.

After the defeat near Taus, Sigismund was in despair. His only hope lay in settling all the differences at the Council of Basel (1431-49), and he succeeded.

Sigismund and that body induced the Hussites to send representatives thither. The streets of Basel were crowded when, in January, 1433, Procop the Great and other famous Hussites arrived. The meeting of Bohemian and Moravian cities towards the end of November, 1433, accepted the change of the four articles, the so-called Prague compactates which agreed upon free preaching, the Lay Chalice and the punishment of the clergy by a civil court for criminal offences. Still the Taborites were not content. In the subsequent local civil war in Bohemia, they were defeated by their valiant opponent, Meinhard of Neuhaus. Near Bohemian Brod, in May, 1434, the two Procopcs were killed and their armies dispersed. After Tabor had been taken by storm, the Taborites were pursued and soon ceased to exist. Previously Sigismund's kingdom had been aided by the more moderate Hussites,

till Ziska gained control over the whole country. A victory of the Calixtines was his triumph. Naturally he had to confirm the compactates and general amnesty, and promise to bestow offices only upon Czechs, and not to compensate the emigrated Germans for their lost property. Thus he was enabled to enter Prague, in August, 1436, and receive the oaths of allegiance. Soon afterwards, however, he seemed to favor the reestablishment of the Catholic services, and supported Catholicism wherever he had the opportunity. There were many others, too, besides the Hussites who were opposed to Sigismund's partiality for the Church.

The general council of Christianity, held at Basel, was based upon the aim of the Council of Constance to undertake the reform of the Church by means of periodical assemblings. In 1423, Martin V had called a council at Pisa, which was not attended by the Germans and therefore adjourned, after deciding that another meeting should be held at Basel. Martin's successor, Eugene IV (1431-47), agreed to the summoning of a council and was represented by a cardinal. On the 23d day of July, 1431, the council was opened, whereas the regular sessions began December 14. This time, too, the council was held without Sigismund. On November 25, 1431, he obtained the Lombardic Crown at Milan, and stayed a number of months at Siena, negotiating with Eugene IV. The latter thought

the council would adjourn, since the attendance was very small, but the people who gathered at Basel remained. May 31, 1433, several weeks after the papal sanction of the council, Sigismund was crowned emperor.

Eugene's fear regarding the council was fully warranted. All were prepared to settle finally the reformation of the Church on head and limbs.

In the ecclesiastical and religious, as well as in worldly matters, the times abounded with ideas and efforts for reforms, in which we observe the often hinted at labor troubles of the late Middle Ages. The evils and sufferings caused discontent everywhere, and things had reached such a state that the Germans clamored for a change and improvement. These widely known ideas were united strikingly with subjective theories and published in the form of a pamphlet, in 1438, soon after Sigismund's death. It bore the high-sounding title, "Emperor Sigismund's Reformation of the Ecclesiastical and Temporal Classes," and styled its author an imperial counselor, but it was probably the work of a clergyman and erroneously considered an official document. This booklet was full of far-reaching radicalism politically, ecclesiastically and socially, and contained essays on the general secularization, which Dubois of France had advised, the restricting of ecclesiastical clergymen to their offices, and a salary of the officers, as well as the increase in the pay of

the lower clergymen. Moreover, it demanded the confiscation of properties on behalf of the poor and, as is usually the case with such radical theorists, the historical part of the pamphlet contained more fiction than truth. Although it was composed in 1438, it was closely connected with the ideas which had been discussed at the council in previous years. Of course, the worldly-social reformatory theories were not treated officially, but remained interwoven with religious-apostolic ideas, and produced alarming upheavals every now and then. They led up to the sixteenth century, which through the Reformation made an end to the urgent material-social complaints against the clergymen's conditions of life. The War of the Peasants, an independent revolutionary uprising against the landowners, only harmed the worldly-social efforts of the fifteenth century, and destroyed the conditions and opinions that were favorable to the reforms.

The council differed from the Council of Constance in the avoidance of casting the votes according to nations. Committees were chosen, "deputations" for the settlement of individual questions, and these committees, where every vote counted, consisted of all nations and all ranks of the clergy. Thus a far more democratic trait entered into the discussions and decisions. First of all, the council proclaimed its superior authority with regard to the pope, and its privilege of adjournment. It then

began with reforms, which were directed mostly against the holy see. Freedom of election of bishops through the chapters, the maintaining of ecclesiastical courts instead of direct appeals to the pope, were announced and the payment of the pallia was abolished, also that of the annates. The latter were limited to a certain extent, in 1418, at Constance, for Germany at least. The holy see was also deprived of its privilege to invest people with prebends (and the consequent taxes), and regular provincial and diocesan synods were instituted. The council believed that the morals of the clergy would be improved through forbidding concubinage. The college of cardinals was to contain twenty-four members, who were to be paid with papal means.

Until 1436, the reformers held an advantage. From then on, owing to the impressions made by important decisions, their opponents began to increase and the hopes and steadfastness of the council weakened. An opportunity to dismiss the council was given by a wholly foreign affair, the union of the Greek church, which was greatly oppressed by the Mohammedans, with the Roman. The pope, like the council, desired to obtain control of this important affair, and requested that the place of negotiations with the Greeks should be Ferrara instead of Basel or Avignon. The council, which was attended by a great many Frenchmen, approved the suggestion, Eugene therefore dismissed the body

in 1437 and called a new council to Ferrara, where he opened negotiations with the Greeks on January 8, 1438. A part of those assembled at Basel joined him; to those who remained was left the struggle against the pope, and the question as to sustaining the previous decisions. Meanwhile a new ruler had been elected, and upon the stand of the future government the fate of the assembly at Basel had to depend.

After Emperor Sigismund had seen his government in Bohemia and Moravia secure, he reformed the constitution of the empire at imperial diets, wherein he always regarded financial success as the most important. But no special results had been brought about. The foreign relations of the empire were weakened by Philip the Good, lord of Burgundy, who compelled Jacobæa, the Wittelsbach possessor of Hennegau, Holland, Zeeland, and Frisia, to cede her inheritance, thereby nullifying the rights of the Bavarian agnates (1433). Sigismund declared war upon the faithless duke, who could not carry his expedition to success. The settlement of the Bohemian affair, and the efforts to secure the succession of his son-in-law Albert of Austria in the eastern kingdoms, Hungary and Bohemia, occupied the last years of his reign. He suffered physical punishment for his many crimes as a libertine, and was a prey to distressing psychic depressions.

In 1408, during his Hungarian period, Sigismund had married Barbara, the daughter of his loyal subject, the Count Herman of Cilli. She was the mother of his daughter Elizabeth, who was married to Albert, and had fully retaliated for the handsome king's adventures with vain women and frivolous "*Fräuwleins*," gaining a scandalous notoriety which, in the case of an empress or queen, cannot be forgotten as readily as in others. She did not intend to content herself, as a future widow, with the reign of her son-in-law Albert and her daughter; she would obtain all the crowns possible from Sigismund. She therefore favored the revived Hussitic opposition in Bohemia, turned toward Poland and thought, as the aged wife of the very young Vladislav, to reign with and have full control over him, thus bringing Poland, Bohemia and Hungary under her sway. On account of her activity, Sigismund left Prague in November, 1437, for Znaim in Moravia, which was always Catholic and consequently against the Hussites. Here he met Albert and Elizabeth and imprisoned Barbara.

On December 9, 1437, Sigismund died in the city of Znaim. Having donned the imperial insignia, he calmly awaited his end, and remained for several days after death exposed to public view. Mingling with the talk of his dissolution, the stories of his beauty and stateliness became current throughout the empire. He had worn the crown in Germany

for twenty-seven years, and such a reign always makes a deep impression upon the sovereign's subjects. He was buried at Grosswardein, at the side of other Hungarian kings.

In the competition with other princely Houses, the Lützelburgs became famous in the East. Now this royal dynasty had passed away and what could be inherited of it went to that House whose plans and hopes it had always appropriated—the Hapsburg. Through Sigismund's inheritance the Hapsburgs obtained their international development and the imperial task of leading for centuries the nation of Germans.

CHAPTER XVI

ALBERT II

THE Hungarians were not specially pleased with Albert as a German, and in the eyes of the Bohemians he was too much of a Catholic. But, since there was in both countries a noble class on his side, his succession could soon be recognized, formally at least. This succession as German emperor was not yet definite, and he had promised the Hungarians to refuse the imperial election. On March 18, 1438, however, the electors chose the then forty-year-old man. He was inclined to maintain "neutrality" during the struggle between council and pope, out of which could develop an ecclesiastical, nationally independent rank for the Germans. The scheme of electing the Brandenburg count of Zollern, or one of his sons, was dropped. Toward the end of April Albert accepted the election.

He was obliged first to go to Bohemia, where Sigismund's skillful but selfish chancellor, Kaspar Schlick, had labored in his behalf during the confusion brought about by Barbara. In Bohemia an anti-king was elected, Prince Kasimir of Poland,

in whose behalf the Calixtine George of Podiebrad was active. In vain did Albert besiege Tabor, wherein the young Brandenburg Albert (Achilles) distinguished himself as leader of the Nürnberg Corps. While at Breslau he concluded an armistice, since Hungary was much oppressed by the Turks at that time. Unable to check the Mohammedan advance, he fell ill in his camp and wished to betake himself to Austria, but he breathed his last at Nesmühl on the Danube, near Gran, October 27, 1439. He left the impression that Germany could have expected much from him, had he been given a longer life, but whether such a belief was justified cannot be known.

All that had been done in Germany during his reign was the work of Kaspar Schlick: that was the discussion of imperial reforms at the diet of Nürnberg in 1438. There the old norms concerning public peace gained the form of an organic imperial division into six public peace districts, with a regular judicial constitution. After Albert's death, these significant beginnings were forgotten and were effectively renovated by Maximilian. Despite the fact that Albert was married for sixteen years, he left no son at the time of his death.

CHAPTER XVII

FREDERICK III

THE election was to take place at Mainz near the end of January, 1440. On account of the council a new king was needed. Besides the other six electors, the electoral vote of Bohemia was represented by Henry of Plauen (Reuss), and was admitted through a new regulation of the imperial law. This time all seriously thought of Frederick of Brandenburg, but the latter favored Landgrave Louis of Hesse, who was also aided by the Bohemian representative. Frederick refused the election especially because, at the meeting of the electors, it was decided that he who was chosen by the majority should be accepted as elected by all. This was in accordance with the Golden Bull, and Frederick could not reckon with certainty in the case of four votes. Eugene IV, whose struggle against the council of Basel had intensified since 1438, had an adherent at the election in Jacob of Trier. The latter and those in touch with him desired a man who, like the deceased Albert, should be a conservative Catholic, rather than an advocate of reforms. If he was a Hapsburg, a new change

with respect to the dynasty would be avoided. Such a candidate was Frederick, the twenty-year-old duke of Styria, Upper Austria, Carinthia and Krain. His younger brother Albert was co-regent of those provinces, and his minor cousin Sigismund possessed Tyrol, while King Albert's widow expected a child, who was to have Bohemia and Hungary. Should the posthumous heir be a son, he was to have Lower Austria also. Frederick of Styria voted for this agreement, on the 2d of February, 1440, as did the three ecclesiastical electors and the Palatinate and Saxony, the latter being induced by affinity. The other two electors later joined the party of Frederick. Thus the new king was chosen quickly and without effort on his own part, whereas royal elections had previously been the result of struggles, intrigues and compromises.

Frederick's long reign gave the Germans opportunity to learn his personality and real character. He was pious, honest, modest, at variance with the last Lützelburgs regarding women, in whom there was little we can call noble. The quiet majesty of Frederick was not displaced by his gentle and dry humor. He was fond of alchemy and astrology; his reason was well-disciplined and he understood the art of patience, of toleration and of diplomacy, whereby he secured the most that was obtainable. For his territories and for Hapsburg, his temperament and political views sufficed. The longer he

reigned and gained faith in the successes and triumphs of his policy, the more confident he was of the greatness of his House, until he finally placed his favorite symbol A.E.I.O.U. upon the door of his palace, upon drinking cups and even upon the imperial seal: *Austriæ Est Imperare Orbi Universo*. (Austria is destined to rule the whole universe.) Similarly, in 1453, he created for Austria the wholly unusual and unconstitutional title of an *Archiducatus*, which made archdukes of all Austrian dukes.

With regard to the empire, his son Maximilian could more justly say of Frederick than of Charles IV that he was the arch-stepfather of the Holy Roman Empire. He always considered the German crown a high honor, though an inconvenience at the beginning, but he never liked to defend it, nor did he think it would bring any special results. That he did not refuse it was due to the fact that even in that respect he lacked the faculty of quick decision and failed to see that he could easily accept the honor and wait, for after all the empire brought him something of value. He never attained a spontaneous, vivid sense of duty, and the demands of others for such a quality he opposed with tenacious, hesitating and passive rejection. The "mañana" policy of the Viennese government throughout centuries had in Frederick III its founder and first virtuoso.

He demanded time in which to consider the offered election. In April he replied affirmatively. Finally he left for the empire and was crowned at Aachen, on the 17th of June, 1442. It had been the rule that coronation should take place a few days or weeks after election, since the ceremony gave the newly elected the proper dignity of the king, in the eyes of the people.

The Council of Basel, excommunicated by Eugene and his council at Florence, had chosen an anti-pope during the Interregnum, on the 5th of November, 1439. He was Amadeus VIII of Savoy.

In his early life he was a brave soldier and became the real founder of the greatness of his House. Emperor Sigismund had rewarded his friendship with the title of duke in 1416, and with new feuds in Burgundy. Savoy was originally a county of the kingdom of Burgundy, which belonged to the German empire, and had always clung to the German rulers. Henry VII had made the loyal Count Amadeus V, through whose territory he went on his way to Italy, an imperial prince. Charles IV, who saw the German lordship over Burgundy gradually disappearing, had separated Savoy from the Arelate in 1361 and annexed it to the German empire. The aforementioned Amadeus VIII had reigned since 1391, and won for his country the city and county of Nice. In 1434 he resigned on behalf of his son

and betook himself to a hermitage near the Lake of Geneva, formally as clergyman, but also as a philosophical student of world events. From there he was elected pope, and as Felix V he concluded the series of anti-popes in whom worldly or ecclesiastical efforts against the absolutism of the holy see had found the means of fighting.

The existence of the power of the council and of the reforms—in short, the question concerning the future of the Church—was occupied chiefly with the “electoral neutrality” of Germany. This policy could not be abandoned. If the people were in favor of Eugene, they would enable him to dissolve the council; if they were against him and supported the council, it would mean another schism. The latter did occur, but so long as its friends remained neutral it was ignored. Moreover, in a neutrality which was made use of lay the possibility of independent reforms. Just at that time the monarchy and clergy of France united in behalf of such measures, by accepting the decisions of the council at the synod at Bourges, through whose “Pragmatic Sanction” the question concerning investiture and the ecclesiastical finances had been freed from the demands and dominance of Rome. The French Church became a national institution, establishing its “Gallic liberties.”

Eugene depended mainly upon the position of the Germans and of Frederick. In ecclesiastical af-

fairs the latter was ever ready to yield, and he was always in want of money. Moreover, Germany was no longer a monarchy as France had been since Louis IX. Neutrality, too, succumbed, as did everything else during that electoral oligarchy. The man who throughout the council preserved real neutrality was a German, Gregory of Heimburg, who saw an opportunity for Germanic liberties in the Church. This name is closely connected with that of Æneas Silvius. In addition to those two, we must mention Nicholas of Cusa.

Nicholas of Cusa or Cusanus, that is, from Cues on the Moselle, was born in 1401, completed his studies in the Netherlands and Italy and was graduated as a lawyer at Padua, but remained a clergyman. As dean of the collegiate church of Coblenz, he came to the Council of Basel. During that period, he composed his voluminous work *De concordantia Catholica*, which set forth the ideas of the more moderate reformers. With humanistic certainty, like his predecessor Lorenzo Valla, he disregarded the Constantinian Donation, and the pseudo-Isidorian Decretals, but he erred frequently with respect to the medieval relation between emperor and pope, and the latter's conception of history. He was a great critic with profound ideas of reform not only for the Church, but for the empire, whose constitution he wished to see wholly revised. He considered almost everything care-

fully,—reformation of head and limbs, public peace, imperial courts and division into districts and an imperial army. Not quite justly, he has been compared with the young Joseph Görres of about 1800, his Rhenish fellow-countryman, who became a Catholic reactionary after a period of youthful, stormy radicalism. Nicholas was the more quiet and sober of the two, more moderate and positive, and even in his early opposition there was much correct ecclesiasticism. After despairing of his salvation because of the Council of Basel, he joined the latter's opponent, Eugene IV, and rendered valuable service to him and his successor as a good diplomat in Constantinople in matters regarding the ecclesiastical union, and as legate at imperial diets in Germany. In 1448, Eugene's successor, Pope Nicholas V, made him cardinal and Bishop of Brixen. The latter office had another occupant, so that Nicholas was involved in struggles concerning the feudal lordship over Brixen and the nun convent Sonnenburg, in the Puster Valley, in the course of which Sigismund even imprisoned him. Highly honored by Pope Pius II (*Æneas Silvius*), he died during a stay in Italy, at Todi near Spoleto, in 1464.

Enea Silvio Piccolomini, or with his humanistic name, *Æneas Silvius*, of Siena, born in 1405, had come to Basel as the secretary of a cardinal. After the election of Felix V, he became a sort of secre-

tary of the council, and joined the party of the pope of that body.

He was totally under the influence of the Italian Renaissance, and thus was of importance to German history. Like an educated modern traveler, he saw Germany, her landscapes and cities, her constitutions and establishments, her economic conditions and their perquisites and her customs and habits of life. The personalities whom he met interested him biographically and he took down brief notes. This typical humanist and man of the Renaissance left information of the most instructive vividness, in his commentaries on the Council of Basel, in his biography of Frederick III, which extends to 1458, his history of Bohemia and other works, including the description of the customs, site, morals and conditions of Germany (*De ritu, situ, moribus et conditione Germaniæ descriptio*). But the Germans will never forget that it was he who deceived their Church in its national hopes, and in what the later ecclesiastical schism could have avoided. For Æneas himself, his labors were only an important step of his career, which brought him to the desired goal,—the tiara.

Gregory of Heimburg, a contemporary of Æneas, was born at Würzburg and was secretary of Æneas Silvius. At first, the honest and matter-of-fact man was able to go hand in hand with the elastic and superior statesman. During the period

of neutrality he wrote his *Confutatio Primatus papae*, (Refutation of the papal Primate), one of the most important publications in German history. In its historical part he refers the claims of the holy see to world power, doing so with a critical certainty of the new humanistic discipline. He demanded practically that neutrality should be given up as being only one-half, and that he himself should decide as to the fate of the empire and its Church. Other works as well as his documents and letters breathe the same spirit. Set aside, on account of the changes of Æneas and the course of affairs, the man who in the active time of the Council of Basel appeared to be its inspirer, in helping to direct the fate of the German nation, later on was compelled to fill territorial offices and serve their inferior purposes. He was one of the best of his kind, whose power, talent and will were wasted in darkness. He died at Dresden in 1472.

Frederick III waited for things to happen. He was hindered by worldly inconveniences. In Hungary, he became guardian of Albert II's son, Ladislaus Posthumus, who was born in the beginning of 1440 and crowned while an infant. The Hungarians elected King Vladislav of Poland, not so much because of the child Ladislaus but on account of their enmity toward Frederick. When Vladislav was killed at Varna, in a battle against the Turks (1444), John Hunyadi, a native of Sieben-

bürgen, became administrator of Ladislaus, who was recognized as the future heir to the crown. George Podiebrad, the leader of the anti-Hapsburg and Hussitic party, which tolerated neither the young Ladislaus Posthumus nor Frederick's guardianship, was able to maintain himself in Bohemia. Frederick was justly distrusted in Tyrol and Anterior Austria as administrator for the young Duke Sigismund, whose coming of age he always postponed.

War broke out in the Swiss Confederacy between Zurich on the one hand, and Schwyz and the rest on the other, originally with regard to the Toggenburg inheritance. Zurich entered into an agreement with Frederick, who soon seized the opportunity of reëstablishing the Hapsburg rights, which the Swiss had, since 1415, violated even in the Aargau. He obtained 5,000 soldiers from King Charles VII of France; the Dauphin himself led 40,000 of such idle people, of whom he fain would get rid, through Alsace against Basel. After a former general they were called Armagnacs, out of which German popular etymology made "poor jackets" (*arme Jäcken*). Of course they were poor, greedy after booty and eager for violence, and as such they have been known to Alsace since their pillaging in 1439. A dreadful terror came from the southwest, and the most incredible stories were believed: the council was about to be dissolved

and the princes were ready to overthrow the cities. At St. Jacob, on the Birs near Basel, on the 26th of August, 1444, the Swiss induced the Armagnacs, through their Leonidas, to test their bravery no longer. They roamed hither and thither through Alsace, whence they were driven across the frontier. The German king not only tolerated this desecration of imperial soil, but he himself summoned them! New difficulties arose between Zurich and the Hapsburgs. The latter were defeated near Ragaz in 1446, and the only result was Frederick's disgrace because of the disaster. The other feuds all over the empire,—in Westphalia around Soest, in Brandenburg, in the territory of the Order, in Franconia, where Albert Achilles had provoked a new war among the South German cities by trying to subjugate Nürnberg,—proved only the inability of the king to preserve peace and the folly of Frederick's proposals regarding feuds, justice and mintage, at the diet of Frankfort (1442), known as the Reformation of Frederick III.

The princes, too, had no time to devote themselves seriously to questions regarding the Church. In 1444, these matters were to be discussed at a diet held at Nürnberg. It seemed certain that the princes, if they gave up neutrality, would do so in the sense of Gregory of Heimburg, on behalf of the policy of the council. But behind Frederick was his new privy counselor, Æneas Silvius. The

plan of ignoring the difficulties by calling a new council to Constance was opposed by Eugene and those assembled at Basel. Meanwhile they tried to progress by prolonging the period of neutrality. The Council of Basel was dissolved, however, after Felix V had removed to Lausanne, and began to dissemble.

The time had come to decide without a council. Æneas offered his services to Eugene to bring about an understanding between king and pope. The former was to recognize Eugene as pontiff, help to end the neutrality of the electors, receive the six bishoprics of inherited provinces and occupy one hundred prebends. In addition to that, the king was to receive a certain part of ecclesiastical income and large sums directly from the pope, and to have imperial coronation. The papal disposition of the electors Dietrich of Cologne and Jacob of Trier, who were active in behalf of Felix V, enabled the Germans to give their confidence to Eugene. A protesting assembly of the electors at Frankfort discussed the conditions of Eugene's recognition, so that he with little difficulty, aided by Æneas and Frederick, drove his diplomatic or golden wedge into the union of the electors. He died in 1447, leaving to his successor—the two deposed archbishops had been instituted again—a secure and perfect victory.

Nicholas V (1447-55) was recognized in Ger-

many, and February 17, 1448, a concordance was brought about between king and pope at Vienna. The pope sanctioned the privileges Æneas had given to the king, and himself once more obtained reservations of prebends and annates in their old unchanged form. The great movement of the reformation of head and limbs was turned to a profitable money and booty business, which controlled Christianity for decades. The princes had also concluded concordances with Nicholas. They obtained shares in the ecclesiastical revenues, certain privileges for their prebends and the exemption of their territories from foreign episcopal jurisdiction. Something un-Catholic lay in the Concordance of Vienna as well in those of Saxony and Brandenburg: a meager beginning of territorial country churches from which should spring the Reformation later on.

The carefully watched constitution of the empire was laid aside. At Lausanne, whither the rest of the council had removed, Felix V resigned in 1449, and the Roman pope was recognized there also. Æneas Silvius, endowed by Eugene with the higher consecrations, was invested with the bishopric of Trieste in 1447 and, in 1449, he became bishop of his native city, Siena. Frederick went by way of Siena to Rome toward the end of 1451, and was crowned as emperor March 16, 1452.

Again, it was Æneas Silvius who negotiated

Frederick's engagement with Eleanor of Portugal. The two met at Siena and the bishop introduced the royal bride to the German ruler. A column before the Porta Camollia reminds us of that meeting and later Pinturicchio depicted the event on the dome of Siena, after a sketch by his classmate, Raphael.

The imperial coronation in the Church of St. Peter was the festival of the *status quo*. The entire reformatory movement had been carried on in a characteristic German manner, with much idealism, many theories and hazy plans for betterment. There was, however, no dominating personality who might have torn apart the dense network and the cobwebs of everyday threads wherewith the individual was enmeshed in previous happenings. The whole work was done too slowly and was directed toward the production of publications rather than that of deeds. Thus there appeared finally, as the savior, not an Alexander who cut the Gordian knot, but the diplomat who, to a certain extent, reestablished former conditions. The old evils continued and increased automatically. That, too, was quite German, as when one rises like the ancient Hermann and others enthusiastically follow him, after things had become beyond tolerance.

The other occasion was brought about by the councils, to show the emperor once more that the active, worldly head of Europe, and Germany as the

leading empire, had long been forgotten. Since 1450, the self-consciousness of the nations had become more obvious than ever, while that of their monarchies had gained new strength both at home and abroad, not only in France and England, but in the Hungarian and Slavic East and the Germanic north. Everywhere this rise of other nations was closely connected with the retardation of German influence and the emigration of those who had once been hailed as the couriers of civilization. This was also true in regard to Italy, where the loose political juxtaposition of republican communities had since the fourteenth century begun to make room for the states of the Cæsarism sprung from party influence, while the power of bankers made space for a rising monarchy, even though it greatly lacked titles and crowns. The German empire found only slight gains in all this, while the Hapsburgs acquired much by their marriage policy, that was carried on with success and skill.

Similar to the rise of the power of foreign princes at the expense of the weakened emperor-imperialism was that of territories within the empire. At certain times the German nation, a union of Germanic tribes organized by the Merovingians and Carolingians, failed to believe in its ability to endure and in its historical calling. It seemed as if the important ones had grown tired and intended to think of themselves at the expense of the empire,

the same as the foreign princes did. With greater confidence than ever, people began to consider a history of the Palatinate or one of the electorate of Saxony, just as they did in the case of a Danish and a Bohemian record. There was justice in this, for Bohemia was an imperial electorate like the Palatinate. Not Emperor Frederick III, but Albert Achilles, the handsome knight who was never overcome in a tournament, brave and restless, prudent and always aiming at the greatness of his House, or Frederick of the Palatinate, always defeating envy and the imperial ban;—these were individualities and the men of the hour. But they were personally too sincere to be compared with their famous Italian contemporaries. Thus the Count of Hohenzollern, in the traditional loyalty of his House toward the crown, and the serene, honest palatine, ruled for his nephew without depriving him of his rights and, renouncing a marriage in accordance with his rank, united his fate with that of the lovely woman of Augsburg, Clara Tott, with whom he lived happily and contentedly.

The political formation of Europe everywhere was shaken to its foundations. In 1453, the Ottomans completed their advance on the Balkan peninsula by the capture of Constantinople. The East Roman imperium ceased to exist, and the Roman-Occidental sank down to a vague glimmering. The third factor, the papacy, endeavored in vain to re-

vive through the Turkish menace the ancient Catholic-European Crusade ambition. The appeal to the Occidental populace was of no avail; everything depended rather upon the fact whether the nations and states in the east,—Hungary, Poland and the old German East March,—would be able to check the terrible advance of the Ottomans.

Matters were settled peacefully in the east through the death of the Hapsburg Ladislaus, King Albert's posthumous son, on November 23, 1457. Thus Lower Austria fell to the empire, but Frederick was still far from obtaining his aim. The people of Vienna besieged him in his Viennese castle and demanded that he should renounce his claim to rule that province. He had many difficulties also on account of the claims of his brother Albert, and once more the empire had to fear a new great eastern empire spring from Bohemia or Hungary, under the leadership of a new but non-German Ottocar.

Frederick's previous influence over Bohemia and Hungary vanished with the death of Ladislaus. In place of the former, George Podiebrad was elected in 1458, and as successor to the latter, Matthew Corvinus, a son of John Hunyadi, who was killed in an expedition against the Turks, both being leaders opposed to the Hapsburgs. Frederick made peace with George by investing him with the electorate, and with Matthew much later, after a futile attempt

to establish a Hungarian kingdom of his own. We observe a mutual playing of the common interests and alliance of Matthew, George and Frederick, the by-figure of this triumvirate being still the German emperor.

The Roman see, in its enmity against the heretic George Podiebrad, represented a fourth political factor. With the understanding of the see and that of Frederick, Matthew began war for the conquest of Bohemia, in the course of which George died. The distressed Bohemians elected the Catholic prince, Wladislav of Poland, their king. Matthew made peace with him in 1478, according to which he obtained Moravia, Silesia and Lusatia, in addition to Hungary. In 1477, he had resisted Frederick, and gradually gained possession of Carinthia, Vienna and large portions of Austria and Styria. Only Matthew's death in 1490, and the confusion which afterwards arose, enabled Frederick and his son to reconquer the possessions in the Austrian territories and to obtain certain claims of the Hungarian crown. It need not be said that such a ruler could not gain control over the German Order. In 1466, in accordance with the Peace of Thorn, Poland obtained western Prussia and left to the chief of the Order only the eastern part as a Polish feud. The three Slavic or Slavic-Hungarian states founded on the eastern frontier of Germany, and not Germany herself, controlled east European

affairs, though important German people were everywhere dependent upon them.

The eastern potentates greatly influenced the weakened empire. Above all, it was George Podiebrad who carried out a policy that would have become the chosen emperor better than him, chiefly during his more fortunate period, until 1467. The feuds in individual territories, the gains and losses of the German interests in north and south, in east and west, took place just as if there were no imperial unity. Disgusted and selfish parties often schemed to have a new election, but the latter would have been of no avail. The rôle of a king was not specially attractive, and these groups did not go beyond their original plans and intentions. The ambition of George Podiebrad threatened to deprive Frederick of his crown; but even his negotiations in the empire bore the stamp of territorial feuds, which filled the time of this imperial interregnum.

With regard to his Austrian difficulties, which were aggravated through the appearance of Turkish bands on the southeastern frontier, Frederick once more assumed his public peace policy, to strengthen his power by means of, rather than in, the empire. He intended to check the efforts of the princes, and to organize their imperial government according to the constitution. Elector Jacob of Trier was the literary chief of the governmental office, whose province was to establish an imperial government,

and a supreme court of law that should not depend upon the emperor.

Such innovations unquestionably represented reforms, though they sprang from new desires of the electors to increase their authority. The leading layman of the movement was Frederick of the Palatinate, who was aided by Duke Louis of Bavaria-Landshut and by the emperor's alienated brother Albert. The electors called new diets in the years 1456 and 1457, and asked the emperor to be present during the discussion of the reforms. The real opponent of this Wittelsbach party was Albert Achilles of Brandenburg-Ansbach, who was active on behalf of the Zollerns in reëstablishing the old duchy of Franconia. He obtained the electorates of Brandenburg and Saxony for the emperor, and advised him to check the activity of the palatine by refusing to recognize the family treaty of the Palatinate, according to which Frederick as ruler on his honor secured the electorate. The parties in the empire separated themselves from each other more distinctly. The imperial or Zollern party was joined by Dieter of Isenburg, the new archbishop of Mainz, by Margrave Charles of Baden, the emperor's brother-in-law, by Count Ulrich of Württemberg, by George, bishop of Metz, and finally by almost all the Suabian imperial cities. They also tried to win over the duke of Burgundy.

When, in 1459, Albert Achilles renewed his old

struggle against Louis, the Lower Bavarian of Landshut, on account of the burggraviate and the country court at Nürnberg, the emperor excommunicated the Bavarian for the sake of Albert, on the ground that he had annexed the imperial city Donauwörth in 1458, and chose Albert Achilles and William of Saxony as imperial leaders against the excommunicated one and his supporters. But, in 1460, Frederick of the Palatinate defeated the archbishop of Mainz near Pfeddersheim, and forced him to join his party. With this noted, selfish Dieter of Mainz, Podiebrad came in closer contact. In 1461, the war was renewed. Æneas Silvius, since 1458 Pope Pius II, deposed Dieter and elected Adolf of Nassau archbishop the following year. Thus arose the feud regarding the see of Mainz. The decision seemed to be effected on the Rhine, where Ulrich of Würtemberg and Charles of Baden were elected imperial leaders. Palsgrave Frederick bore the excommunication of the emperor in addition to that of the pope.

In June, 1462, Charles of Baden, his brother of Metz, and Count Ulrich once more invaded the Palatinate in order to occupy Heidelberg, where they believed the elector was in the Bavarian headquarters. The bishop of Speyer also joined them. In June, the princes with 800 horsemen advanced toward the Neckar along the Rhine, aiming to reach Heidelberg. Burning villages and ruthless devasta-

tion marked their course. Their infantry, numbering several thousand, halted before Hildesheim. Frederick had only a few troops, but still outnumbered his enemies, and spiritedly attacked them while they were near Seckenheim, (the village Friedrichsdorf of today), and gained a decisive victory.

"Palsgrave today or never," shouted Frederick as he led his men against the allies. The latter, surprised and in the minority, were cut off by the Neckar and Rhine and soon surrendered. For a short while the clanking of the flashing swords was heard, but only a few were killed. Ulrich of Württemberg resisted valiantly; but when Hans of Germingen, the palatine's advocate of Germersheim, said courteously, as he drew his weapon, "Then I shall venture my salvation on your majesty," the Count yielded. He and the margrave of Baden were imprisoned in Heidelberg Castle. Schwab's poem *Mahl auf dem Heidelberger Schloss*, where the victor shows to the much ashamed guests the burning villages in the Rhine plain, is only a fanciful legend.

The success of the palatine revived the confidence of Louis of Landshut, and in July of the same year, 1462, near the imperial city of Giengen, he was victorious over the royal troops, led by Albert Achilles and reënforced by Eberhard with the Beard, of Württemberg, and Swiss soldiers. Negotiations and mediations began anew.

In the spring of 1463, the noble prisoners of Seckenheim were ransomed. On that occasion the palatine gave a banquet in honor of them all, presented each with a fine horse, and asked the pipers to blow from the tower while they rode down from the castle upon the mountain, inhaling once more the air of freedom.

In August, 1463, peace was concluded between the emperor and Albert Achilles and Duke Louis. The palatine was relieved from excommunication, but even then the sovereign refused to part with the electorate. Dieter renounced Mainz as long as Adolf should live, so that he obtained it again as late as 1475.

Thenceforward both parties confined themselves to rivalry in the formation of public peace confederacies. George Podiebrad continued to act the rôle of emperor, and to gain dignity in the empire through certain reforms. In accordance with the policy of the noted Lower Bavarian, Counselor Martin Mayr, who was regarded as the intellectual author of the whole idea, Podiebrad, the Count of Landshut, the palatine, and the count of Zollern-Ansbach were to rule. A tax was also arranged for the imperial court. From this the more important princes were to be exempt and the lower princes were to know nothing of it. Again there were only plans and wrangling diets, even when, in 1471, the Turkish peril frightened the people into paying the

levy for military purposes. Only when the new archbishop of Mainz, Bertold of Henneberg (1484-1504), became the spirit of these federative-centralistic reforms were they partially realized under Maximilian.

After the Wittelsbach or Mainz feuds, the princes were more independent than before. In addition, Duke Charles the Bold, of Burgundy, profoundly influenced the internal affairs of Germany.

New Burgundy, which was often mentioned, must be discussed more fully. Its name did not originate in that High and Low Burgundian empire which Henry II and Konrad II united with the German empire, and which for generations had been ruled by Zähringian imperial governors. It sprang from the old Burgundian empire founded during the migrations of the tribes. The name of the Burgundian people clung to the regions around Dijon, to the west of it, the upper courses of the Saone, Loire and Seine, as well as to the Jura and Rhone districts. While the latter obtained new kings, however, and gradually separated themselves from the East and West Frankish empire, the Burgundian territories near Dijon remained with the West Frankish empire and saw the rise of a new independent duchy within the French monarchy. The duchy of Burgundy (Bourgogne) was first ruled by Capetian kings. In 1363, it was bestowed upon King John's youngest son, Philip the Bold. He

married the heiress of the (last) Count Louis of Flanders (died 1384), through whom he obtained the latter county, with Artois, Mecheln and Antwerp. Mecheln was a separate dominion of Lower Lorraine until the extinction of the owners in the fourteenth century. Antwerp, as the German borderland of Lower Lorraine against the French Flanders, had also become a feud of the empire.

Through his marriage Philip the Bold became the heir of the Franche-Comté which, as a remnant of the kingdom of Burgundy, was a German imperial feud and contained the territory around Dôle and Besançon. Philip's son, John the Dauntless (1404-19), had married Margaret, daughter but not heiress of the Wittelsbach Duke Albert of Holland, Zeeland, Frisia and Heinault. But when Albert's son William VI died, in 1417, and was succeeded by his daughter Jacobæa, John's son, Philip the Good of Burgundy, strove to deprive her of her inheritance. He had the aid of the Dutch party of the "Kaweljaus," and succeeded in excluding her in 1433. Soon afterwards, in 1436, she died, at the age of thirty-five. Brabant and Limburg, which had been united since 1288, were inherited by Philip from his father's brother Anthony in 1430. Charles VII of France, oppressed by the English war, was compelled to cede to Philip parts of Picardy in 1435, together with the county of Ponthien, as well as Auxerre and Macon. Namen, or Namur, Philip

had bought in 1429 from its childless owner. In 1433, he obtained Lützelburg through a treaty with the widow of his uncle Anthony, Elizabeth of Görnitz, a niece of King Wenzel. Since Emperor Frederick claimed the possessions of Philip, together with Ladislaus Posthumous and William of Saxony, whose mother-in-law was Emperor Sigismund's daughter, there existed a Luxemburg question for a long time. Through all these conquests the duchy of Burgundy had grown powerful and become a quasi-sovereign empire, on the canal, the North Sea and the Upper Saone. Philip's son, Charles the Bold (1467-77), obtained the county of Geldern, which Louis the Bavarian had made a duchy. The county of Züthpen, in 1473, made the bishoprics of Liège and Utrecht dependent upon Burgundy, proving that he was following the policy of his predecessors and was worthy of the surname he bore.

For this great and rising empire, which was divided into two large groups, Charles the Bold found it necessary to close the gaps and unite all groups, as was done later on by Brandenburg-Prussia. Between those divisions lay the duchy of Lorraine and a number of imperial bishoprics. The possession of Lützelburg and the lordship over Liège indicated the pillars of the union that was to be brought about. To grow powerful in the eastern part of Lorraine and in Alemannia, and to be emperor,—this was a dazzling dream, but Frederick's

adversary, Sigismund of Tyrol and Anterior Austria, gave the opportunity in 1469, when he sold to Charles for 80,000 gold sovereigns the old Hapsburg county of the Alsatian Südgau or Sundgau, with Pfirt, including Breisach and the Upper Rhenish cities Rheinfelden, Säckingen, Lauenburg and Waldshut and finally pawned the Black Forest to his lordship. Thus the duke came in contact with those who, settled in old Alemannic territory, desired to enlarge their possessions and believed they were a rising empire. In other words, there were once more arrayed against each other the cities and peasants on the one hand and the ducal monarchy on the other. The nobility and merchants were loyal, since Philip the Good possessed the finest and ablest government in Europe.

Burgundy had become a model and the noblest principality of all. The Order of the Golden Fleece, which was founded in 1429 for the sake of the indefinite Crusades and Argonautic expeditions, soon became a court institution and was an effective tie between prince and nobility. That Order and the court ceremonies to this day influence certain forms of the court. All this contained much medievalism, and nowhere else had the old courtly system and knightly forms been so effectively preserved. The period, too, was strongly unfavorable to knighthood. Through Burgundy many old French romances had become German popular books. In other respects,

however, the Burgundian government and court were quite modern, since the noble aristocracy resided at Brügge, the most flourishing city in Flanders. The permanent army was also modern, and augmented by well-trained artillery to the number of 20,000. They were the first later-day permanent army in time of peace, since the small French military body was only to guard the country against the English.

The empire, within which Burgundy strove to enlarge its territory, and whose collision with the confederacies seemed at hand, was indifferent toward both, but its emperor was a watchful spectator. Quietly and tenaciously, Frederick studied the affairs in Burgundy. Already Philip of Burgundy had wished to become king and negotiated with him in regard to his plan. True, Charles declared the Roman Empire had come to an end, and the Burgundian was about to begin. Despite the lofty Burgundian pride, there remained one weak spot: Charles had no sons and only one daughter, Maria. Through her, another dynasty would rule Burgundy and he could be satisfied, if he would, with becoming the successor of Frederick III, himself to be succeeded by Frederick's son Maximilian, his son-in-law. These were the pending projects which brought about a meeting between Charles and Frederick in 1470, but not until the end of September, 1473, was a conclusion reached by them.

Duke Sigismund of Tyrol saw with indignation the gain of Charles as a permanent ruler of the prebends. True, Charles's dominion was not aided through Peter of Hagenbach, an Upper Alsatian nobleman who had become Burgundian counselor in 1462 and resided at Breisach as governor of the prebends. Thus was brought about the union of water and fire, Hapsburgs and confederates, uniting to act against a third contestant. Charles's most vehement adversary was Louis IX of France, who enabled the two to come together, since the Burgundian, whose quasi-sovereignty was based upon his two feudal over-lordships, omitted nothing that could cause difficulties for the French crown. At that time, Emperor Frederick and Duke Charles met at Trier, on the pretext of discussing a war against the Turks, but their real purpose was the betrothment of their children and a decision about Charles's Burgundian or Roman kingdom. Frederick was little inclined to grant the latter, nor did he wish to deprive the empire of its feudal lordship over Burgundian imperial provinces. Thus the discussions of Trier were only a background of the struggles against the Burgundians, which now broke out on two fronts.

Ruprecht, archbishop of Cologne, a Wittelsbach of the Palatinate, and a brother of Elector Frederick, lay in feud with his chapter and with the various classes of his country. He asked Charles

for aid, as emperor and empire were generally indifferent in such cases. Charles made use of the opportunity to extend his influence in ancient Lotharingia, and to become the protector of the large electorate. He was ready to imprint his coat-of-armor into the banner of Cologne. In July, 1474, he besieged Neuss, the adversary of the elector. The city, of whose walls memorable ruins remain, resisted bravely for eleven months and repulsed fifty-six attacks. Meanwhile, enmity against and fear of the duke brought about a union of all, a result which happened quite often throughout German history and especially in times of western dangers. The cities held an almost superstitious fear of the lord of the Dutch cities. They knew of his jealous care of industry, commerce, exportation, and the fisheries. It was rumored that he would come, batter down their walls and carry away all the treasures. In short, he was a partner of the devil, and a forerunner of the anti-Christ. The cities, therefore, willingly contributed to the equipment of the empire, and Albert Achilles of Zollern was made imperial military leader in November.

Previous to this, Sigismund had demanded the prebends that had been pawned and which he was able to redeem. The cities resisted Peter of Hagenbach, imprisoned him in April, 1474, and soon afterward beheaded him at Breisach. Great excitement stirred the neighboring districts. In the south and

the north, all Germany was profoundly impressed by the Burgundian duke who made them forget Turks and Hungarians. Charles saw that the empire, the king of France, the hostile cousin of the emperor, the confederates, and the Upper Rhenish imperial cities were united against Burgundy. The duke of Lorraine and Bar, Renatus or René II, who was compelled to obey Charles in 1473, joined his enemies two years later. Charles abandoned the siege of Neuss, attacked the duke of Lorraine, put him to flight and, leaving a strong Burgundian party in Lorraine, he prepared to proceed against the confederates who were in the Franche-Comté, and throughout that entire insurrection were led by the city of Berne.

Frederick III could have had a decisive opportunity to lead the confederates and free them from Lorraine had such been his wish. In June, 1475, he entered into an agreement with Charles, by the terms of which his daughter was to marry the emperor's son. Thus the Burgundian could proceed untrammelled in Lorraine. In the month of February, 1476, he crossed the Jura Mountains, occupied Grandson near the Neuenburg Lake in the Waadt County, and put to death 412 citizens of Berne and Freiburg, who had defended that city. A few weeks later, the exasperated confederates with 19,000 soldiers, under the leadership of Hans of Hallwil, in Berne, defeated Charles' army, which marched

against Neuenburg. Gathering his forces anew he besieged Murtin, which was defended by Adrian of Bubenbergh, also of Berne. There, in July, 1476, Charles was crushingly defeated.

To the Milan ambassador Panigarola, who was with the Burgundian army, we are indebted for a graphic description of the battle. The confederates were seen as early as June 21, but Charles did not regard seriously their number and desire to attack till noon of the following day. The rain had ceased and the confederates in fine order assailed his camp. The Burgundians kept up a hot fire, but could not check their advance, "which was inch by inch, and not foot by foot." Charles became active when the danger grew serious and, with the help of his body-physician and Panigarole, he donned his armor. At the same time, his men began to retreat, and soon all broke into disorderly flight. Near a bridge they rallied and fought desperately, but their overthrow was complete. In the camp all were slain, and many of those who fled were driven into the sea. Cannons, tents, baggage, silverware and the tableware of the duke,—all were lost. Charles's helmet, adorned with costly jewels, was saved. Never, said the ambassador, had he seen the duke so helpless and panic-smitten as after this great calamity, which he himself had caused. Citizens and peasants now sneered at him who had been wont to sneer at emperors and kings.

Thus was the invasion of southwestern imperial territory, which the emperor had contemplated quite indifferently, repulsed by the vigor and courage of the Alemannic confederates. Frederick now garnered his harvest,—the betrothment of Maria and Maximilian, which for a time was not made public. René again undertook to free Lorraine from Burgundian supremacy. With the aid of the confederates, he defeated Charles's army at Nancy in January, 1477, where Charles himself was slain.

The power of Burgundy, which had shone like a meteor, was gone, and the conglomeration of provinces and the orphan Maria became uncared-for booty. King Louis XI annexed Bourgogne, which was to weld Maria to the dauphin and future king Charles, thus transferring the agreement between Charles the Bold and Frederick III to France, which took possession of Burgundian territory, even though it was controlled by German feudal lordship. It was characteristic of Maximilian that he had no time to devote to his betrothed. It is necessary at this point to give an account of the emperor's life before he began to reign.

He was born March 22, 1459, at Wiener-Neustadt and was a son of Eleanor.

While still a child he showed that nature had endowed him with a lively, vivacious disposition, which his father badly lacked. The little boy, who witnessed the siege of the Viennese royal palace and

other Austrian troubles, attracted notice by his mature remarks regarding those events. Impulsive, eager to know and impatient, he both pleased and irked his teachers. Upon the whole, he grew into an unusually educated, amiable, stately youth, the second to none in physical excellence, in foolhardiness and in all kinds of sports.

Throughout his reign he cared nothing for personal dignity. To see all, to do and to dare, were his distinguishing traits. He has been called the last knight. From the viewpoint of military history, he ought to be termed the first German soldier. As archduke or emperor, rejoicing in travels and adventures, in the frequent shifting of success and failure, in frequent and valiant risking of his own person, he combined something of the qualities of the heroes of the old romantic epics to such a striking degree that he reminds us at times of their parody, the Don Quixote of Cervantes. He failed to realize a large part of what he had planned, but none the less accomplished things of great importance. The history of the German empire was affected through him. No matter how restless and vexatious he was, or how little he could be relied upon in an emergency, and despite the humiliations and the defeats he caused, both without and within, the Germans liked him because of his similarity to themselves in his rugged, healthy, blond appearance and boyish, happy, optimistic nature. They were drawn to him

because everyone found something in him that was pleasing; he possessed the ancient romanticism and finally the peculiar nimbus of the Burgundian nature was reproduced in him. If he did not impress, he pleased his people. He was easily understood, for he had no kingly greatness.

Owing to the growing importance of infantry and artillery, which found in Maximilian a sturdy supporter, warfare became more and more dependent upon money. Painful months elapsed before the Germans undertook anything regarding Burgundian matters.

Maria, without being pretty, had impressed her contemporaries as an unusually amiable and attractive personality, which impression was greatly heightened by her early death. She was a child of Charles the Bold, and a skillful hunter and horsewoman. The duke wished to rear her like a son, which he lacked. And such she was, so far as resolute courage was concerned.

The young duchess was oppressed, not only by the French, but by her own subjects. She had to confer a number of privileges upon Holland, Zeeland and Ghent, and promise to choose no husband without consulting the cities, and she had to permit herself to be chaperoned by the counselor of Ghent. But she clung to Maximilian and summoned him by means of messengers. Her plans were aided by the fact that the cities did not fear the far-off Max-

imilian so much as they did the French king. In April, Frederick wooed Maria through an embassy and she and the cities accepted, but April 26 she was betrothed to Maximilian, and in August, 1477, the wedding was celebrated at Ghent. All Germany hailed the emperor; his journey of "Knight Teuerdank" made him very popular among the German people, who saw only the romantic glamour of the trip.

The Dutch were again divided into parties which opposed each other. Once more fought Hoeks and Kaweljaus, that is, the aristocracy and democracy of the cities. The former were inclined not only to support the young arch-ducal husband of their duchess, but they aided him with money, which he needed most. Yet the naïve art of the Hapsburgs to gain popularity failed with the cool and businesslike Dutch. The successful victory over the French, near Guinegate in Picardy, in August, 1479, was a memorable exploit, but it did not cause a decision.

Maximilian was happy with Maria. "If we had peace, we should be sitting in the garden of roses." They read stirring "adventures" together, and he industriously studied dialects and the Burgundian-French court language. Maria became the mother of three children, of whom Philip (born 1478) and Margaret (born 1480) survived. While expecting a fourth child, she fell from her horse in the spring of 1482, and died at the age of twenty-five.

The four-year-old Philip was duke. The Vlaemes of Ghent and Brügge seized him and established a new government. Maximilian's other child, Margaret, was betrothed by them to the thirteen-year-old Dauphin Charles, who had once been expected to marry her mother, but surrendered the child together with Artois and Franche-Comté to King Louis IX. Maximilian had to agree. Hoeks and Kaweljaus had combated each other, and civil war raged with that ferocity which so often characterizes the struggle between nations claiming the highest civilization. Maximilian, who was "superfluous" in the country, was made guardian of Philip in the year 1485.

As has been stated, Matthew Corvinus had continued to advance in the Austrian lands after 1479. He resided at Vienna from 1485, and Frederick was forced to flee into the empire. From Innsbruck, where he found shelter at his cousin Sigismund's, he came to Suabia, and stopped in the monasteries and imperial cities when refused hospitality elsewhere, as, for instance, at Reutlingen.

This pitiful state of affairs helped the plans of Maximilian. His fantastic optimism was needed to awaken the wish to become Roman king. Since the Interregnum, the princes had been willing only in the case of Wenzel to vote for anti-kings and for a successor, while the old king was still alive. The election of Charles the Bold in 1473 seemed impos-

sible. At the same time, the emperor himself was least inclined to have his active, much beloved son chosen. Now, Austria being lost, the childless Duke Sigismund of Tyrol, not wishing to bequeath that country to Bavaria, was persuaded by the able imperial Counselor Hug of Werdenberg to approve of the election of his son. Maximilian negotiated with the electors, to whom he promised protection against Hungarians and the Turks, and to undertake imperial reforms. Thus a choice was to be made at Frankfort. Despite all opposition by the emperor, Maximilian was unanimously elected Roman king on the 16th of February, 1486. Immediately afterward he was crowned at Aachen, amid historical pomp and after a previous solemn procession which has been depicted by Burgkmair and Dürer.

It seemed that the destiny of the young king was again to conquer Austria. In 1487, an army was equipped under Albert of Saxony as imperial military leader. (Albert Achilles had died in 1486, on the day of Maximilian's election.) This war was of no avail and Maximilian went to Holland. Matthew took possession of the Austrian Alpine territories. But a new creation of 1487 lived: that was the Suabian Confederacy.

The latter must be regarded as similar in origin to the old territorial unions and the treaty of public peace, which, in 1486, was renewed for a period of ten years. Hug of Werdenberg, the leader of the

Suabian lords, was once more a successful mediator. On January 1, 1487, Duke Sigismund wedded his ward Kunigunde, a daughter of the emperor, to Albert of Upper Bavaria, whom he had made heir of Tyrol and Anterior Austria. It was incumbent upon the confederacy to protect Suabia against the threatening advances of Bavarian rule. Besides, Frederick III had always kept the cities, which lay chiefly in Suabia, from the imperial diets, in order to impose taxes upon them as he wished, and in case of disobedience to exact heavy penalties. The cities, however, disregarded this plan, attended the diet at Nürnberg in the spring of 1487, and displayed their friendly disposition towards the Hapsburg. Count Hug then undertook to organize the confederacy upon the mandate of the emperor. He succeeded in July, 1487, the coalition consisting of Würtemberg, the Shield of St. George of the Suabian Lords, and twenty-two imperial cities, including Ulm, which filled the leading rôle, and willingly aided the emperor and his son. Sigismund could not refuse to join the confederacy and abandon his intentions. The sons of the deceased Albert Achilles, because of their Frankish possessions, also became members, as did Mainz, Baden and other cities. The Swiss confederates did not belong to it and we clearly observe their separation from the Suabians.

In those times many believed that the new Ro-

man king would lead his strong Burgundian forces against the Turks. But Maximilian had no such intention and his affairs went poorly.

In 1487, France, exasperated because of his election, made war against him, and defeated his soldiers near Bethune. The Vlaemes were indignant because Maximilian had very carelessly taken part in the affairs of the Vlaemes, Brabants and English. France protested and stirred up Flanders, her old feudal province; the people of Ghent rebelled, and Maximilian, who had been invited to Brügge, was there made prisoner. An imperial army, consisting of members of the Suabian Confederacy and the cities, freed him after three months. Albert of Saxony, "the emperor's right hand," who was kidnapped in 1455, together with his brother, by Kunz of Kauffungen, was made governor of the Netherlands, in which he was to carry on the war. He was rewarded with Frisia in 1498, after he had been invested with Jülich and Berg five years before. By means of determined battles, he checked the French and subjugated the cities first, then the North Dutch peasants and the Frisians, and thus conquered practically the whole country for the Hapsburgs.

Maximilian was active in other fields. In the winter of 1489-90, he was on a visit to his Tyrolean uncle. The latter was tired of reigning and, although he had opened the Tyrolean mines, especially

the silver ones of Schwaz, and obtained the surname of the Wealthy Mintman, he was almost always without money. In March, 1490, he ceded to his nephew, of whom he had grown very fond, the county of Tyrol and Anterior Austria, for a liberal annuity.

Thus the Roman king was able finally to reign unopposed in a certain territory, and Tyrol remained his beloved land. He desired to be buried at Innsbruck and began to erect the historical monument, in the church of the palace, which belongs to the most notable and striking artistic works of the sixteenth century. It is in a sense fantastic, but impressive with its marble table of relics and the bronze "death watch" of ancestors and historical personages, as shown by the remarkable structure.

Duke Albert of Bavaria was naturally opposed to the emperor, yet the invasion of the Suabian Confederacy, to which Maximilian himself belonged as the most important member, brought about peace with the emperor in May, 1492, when he promised marriage gifts to Albert's wife Kunigunde. The year 1490 had brought to Maximilian a very important inheritance. In the county Görz (Gorizia), and Gradisca, separated from ancient Friaul, the counts, an originally Pustertal race, were dying out, and the last count had bequeathed his possessions to Maximilian. In 1500, he inherited that county. A

third inheritance, the most important of all, seemed to change misfortune into brilliant success. In April, 1490, Matthew Corvinus died at Vienna, after a treaty had been concluded between him and Maximilian, according to which the former, who was threatened by Bohemia and Poland, was to return the Austrian province upon the payment of 700,000 ducats. Whence could Maximilian obtain that sum? Matthew was dead, and there remained only John, an illegal son, quite dissimilar to his great father. With this king was buried the future of Hungary, through his death and because of the situation he had created. A turn took place which enabled the Hapsburgs, and not the Magyars, to establish at a later day the mighty empire on the Danube.

In 1463, Emperor Frederick had renounced his claims upon the crown of Stephen; those claims were now renewed. There were also Wladislav, the Polish-Jagellonic king of Bohemia, elected in 1471, after the death of George Podiebrad, and a younger brother of his who claimed the crown. There was still another who was by no means willing to give up her rights. She was Beatrice, Matthew's wife, a passionate Neapolitan who was believed to have done away with her forty-seven-year-old husband. This woman, whose robust rather than amiable appearance we know from contemporary paintings, was determined to become queen

and not remain a widow. She intended to marry Maximilian, the dearly loved romantic widower whom all women desired. She wrote fervent love letters to him. But he hoped to obtain control over Hungary without her, since it depended upon the nobles rather than upon Beatrice.

With Tyrolean money and Suabian troops, Maximilian obtained an army by means of which he captured Vienna in August, 1490. The city welcomed him and he proceeded to Hungary, where on November 17 he occupied the coronation city, Stuhlweisenburg. By this time his funds were gone, and the unpaid soldiers began to rebel. Wladislav marched against Vienna. Negotiations were opened with him; his adherents increased; he met the matrimonial desires of Beatrice, and his brother resigned in his behalf, receiving the Bohemian-Silesian neighboring provinces. By the Treaty of Pressburg, concluded in November, 1491, he became hereditary king of Hungary and Hapsburg's hope of obtaining the crown lay through inheritance, upon the dying out of a dynasty.

Maximilian carried on this affair with divided interest, since he was occupied with another. For years he had wished to make use of his widowerhood to secure Burgundy. Several plans, including a Spanish marriage, fell through, but the heiress of Bretagne accepted his wooing in 1490, and she was soon married to him through a representative, and

began to sign documents as Roman queen and duchess of Bretagne.

Anna of Bretagne was one of the most amiable personalities of the age, an able, plain, natural and highly endowed woman whose name is unusually honored in the annals of the French court and civilization.

In 1477, Bourgogne was obtained through the death of Charles the Bold, and in 1480, Provence and Anjou were secured by bequest of the late troubadour René I. Anna's father, Francis, had entered into an alliance with the lords of Burgundy against France; his heiress and Maximilian continued this policy.

It will be interesting to note that Anna was the woman who put an end to the artificial blond hair which was in vogue throughout the Middle Ages. While the Venetian women were still dyeing their hair, she as later queen of France wore her natural brown head covering, and in this respect changed the fashion of the French court.

While Maximilian was occupied with complications in Hungary, Charles VII of France declared war upon Anna and was willing, at the same time, to marry her. Though still in her 'teens, she resisted bravely and clung to her German Maximilian, whom she preferred to the homely and by no means amiable Charles. Loyally, like Maria of Burgundy, she awaited her lover, but he was far away, busy

with the Hungarians. The empire did not need to participate in that foreign policy, and the humble emperor always said, "time avenges or rewards all." Anna's counselor and leaders were bribed by France, her country no longer obeyed her, and she was surrounded by enemies. In 1491, she offered her country to the king until a definite decision should be made, and asked to be taken to her husband in Germany. This was at the time of the conclusion of the negotiation at Pressburg. Finally her love for the inactive Maximilian cooled. Pope Innocent VIII annulled her marriage, and on December 5, 1491, she was wedded to the King of France, in the castle Langeois in Touraine. The independence of Bretagne, which was ceded to France, she maintained as duchess of the country till her death.

On the day that Charles VIII was married to Anna, a girl wandered aimlessly about the royal garden of Amboise. She was Margaret, Maximilian's daughter, a bride of the king according to the treaty of 1482. Even now she would not give up Charles, and demanded her dowry,—Artois and Franche-Comté. But Charles carried out his wicked intention and married her to a man who was supposed to be the king, and who later on handed over all the territories of Anna to him. Besides this, he had more ambitious plans. He would go to Italy, gain supremacy and honor and, as heir

of the Anjous, expel the Aragonians from Naples-Sicily.

This journey brought the invasion of Italy by Transalpine powers, in which France and the Hapsburgs were rivals, as the Anjous and Hohenstaufens had been previously. Together with the independence of the much divided peninsula, the great intellectual period of the Italian Renaissance was brought to an end. Maximilian demanded aid from England and Spain against France, but the Valois kept the two nations away from him. England was won by gold and Spain through tempting promises. Maximilian considered it a success, when he obtained Franche-Comté and Artois, according to the Treaty of Senlis, in May, 1493. We shall meet Margaret again as the able governess of the Netherlands.

Maximilian's plans also were directed towards Italy. In November, 1493, he married Bianca Maria Sforza, a sister of Giangaleazzo Sforza and a niece of Ludovico Moro, ruler of Milan, securing thereby 400,000 Milan ducats. The wedding was celebrated in Milan. Christopher of Baden and Eitel Frederick of Zollern brought her across the Alps, and in March, 1494, Maximilian found time to meet her at Hall. Once more a wedding was celebrated at Innsbruck, and this time Maximilian was present.

Meanwhile, one of the old emperor's legs had to

be amputated. "Thus shall I and the Roman Holy Empire lose a foot," said he, with his customary grim humor, which never deserted him. On August 19, 1493, he passed away, and was buried in the Church of St. Stephen. His beautiful Gothic monument was erected by Nicholas Gerhæert of Leien, one of the best of late medieval sculptors, who had been summoned from Strasburg to Vienna to build the monument for Empress Eleanor, who died in 1467.

Frederick's life proved that he had learned to bear everything patiently. He survived all his foreign enemies, from Podiebrad and Charles the Bold down to Matthew Corvinus, and eight popes, from Eugene IV to Innocent VIII, including his friend Pius II. He had seen his few friends and his numerous adversaries pass away, and shortly before his death learned that a native of Genoa, in the service of Spain, surpassing the Portuguese, had reached East India after a daring western voyage across the never-measured Atlantic.

The empire and the world had greatly changed from what they were in his early life. The House of the Hapsburgs was increased, and he had done many important things for it. Now great reforms should be realized by him who for years had been eager to rule the German empire and to make use of it for all the grand plans that rioted in his imagination.

CHAPTER XVIII

MAXIMILIAN I

BEFORE proceeding with the history of Maximilian I, we must give attention to two persons whose lives have a peculiar interest to us. One of these exerted so marked an influence upon the Renaissance and humanism in Germany that his name meets us every now and then in the record of those momentous years. It may be said that he was the forerunner of Luther and as such considerable has been related concerning him.

About a half century before the martyrdom of Huss, John Ziska was born at Trocznov, Bohemia. Frequent mention has been made of this country, which must be referred to again in the pages that follow. At some very remote period a Celtic people known as Boii seem to have inhabited either the southern part of Belgium or a portion of France nearby, whence they emigrated to Italy. After crossing the Po, they settled in the territory of the Umbrians, lying between that river and the Apennines, and for several centuries they waged furious war against the Romans.

The Boii did noteworthy work which may be

summarized: They were defeated at the Vadimonian Lake in 285 B.C., joined Hannibal at the battle of Trehia in 218 B.C., two years later destroyed the whole army of Consul Postumius, took a leading part in the revolt of the Gauls under Hamilcar, but were overwhelmingly defeated in 191 B.C. by Scipio Nasica, who slew most of them and took away nearly half of their land. After a time they were dispossessed of the whole and driven across the Alps. Their history since then is not well known. Those who settled south of the Danube were exterminated by the Dacians.

The most important of the Boii's migrations, however, was to the north of the Danube, where they founded the large kingdom of Boiohemum which was overthrown by the Marcomanni under Marbod. The kingdom retained the name Boiohemum, that is, the home of the Boii, which became modernized into Bohmen or Bohemia.

Bohemia is chiefly interesting to us in its connection with the reform movement of John Wickliffe, which has been characterized as the ground swell that ushered in the storm of the Reformation. This "greatest of all the Reformers before the Reformation" was born in 1324 near the town of Richmond in Yorkshire. He had a university career at Oxford, but first attracted notice as master of Balliol College, or Hall, as it was then called. This was in 1361, in which year he was instituted to the rectory

of Fylingham in Lincolnshire, and soon resigned his mastership and took up his residence at his rectory. Beginning to read his lectures on divinity at Oxford, he expressed anti-Romish views. In 1368, he exchanged the rectory of Fylingham for the living of Ludgershall, and in 1374 was presented to the parish of Lutterworth, where he remained as priest until his death.

A great struggle was going on between King Edward III and his parliament on the one hand and the papacy on the other regarding the exaction of certain tribute-money which had been granted by King John in acknowledgment of the fealty of his kingdom to the Roman see. Wickliffe, who had been advanced to be one of the king's chaplains, was called upon to reply to a defense of the papal claim, which had been written anonymously and widely sent abroad. Wickliffe answered publicly at Oxford, displaying a force and ingenuity which attracted much admiration and left no doubt of his anti-Catholic views.

As evidence of his growing reputation, he was appointed in 1374 as second in a commission sent to Brugge to meet and confer with the papal legate concerning certain abuses on the part of the papacy of which complaint had been made by parliament. Returning to his prebend in the diocese of Worcester, he labored with unceasing zeal and proved himself one of the most faithful of pastors. What he had

seen and learned at Brugge intensified his distrust of the papacy. He is believed to have been the first to style the pope "Antichrist," "the proud worldly Priest of Rome," "the most cursed of Clippers and Pursekervers" (cut-purses).

Now began Wickliffe's troubles. He was summoned to a meeting of Convocation. He obeyed, but took with him John of Gaunt and several trustworthy friends. A riot was precipitated, the London citizens breaking their way into the building and terrifying the synod into adjourning their sittings. Pope Gregory VI issued several bulls, three of which were addressed to the archbishop of Canterbury and other bishops, one to the king, and one to the University of Oxford, ordering an inquiry into Wickliffe's "erroneous doctrines." He was brought again before the prelates at Lambeth, but was set free with an injunction to refrain from preaching his false creeds.

These proceedings served only to deepen the reformer's convictions and he threw all his energies into his work. He began the work of revising the different translations of the Bible, which he circulated among the common people. He questioned the doctrine of transubstantiation, though he believed in some kind of real presence. While a great many fervently accepted his preaching and rallied about him, others feared the result of his views upon transubstantiation. He was summoned first

before a synod at the Greyfriars and afterward before Convocation in 1382. His defense was subtle and powerful but did not avail him. Twenty-four "erroneous" statements were selected from his work and condemned to be burned. At the same time, he was banished from Oxford, but was allowed to retire to his parish of Lutterworth. His health was already broken and he was stricken with paralysis while conducting service on the last Sunday of 1384, and died two days later. He was a man of simple faith, great courage and many amiable qualities, whose fine influence was clearly shown in the days preceding and during the Reformation.

About a half century before the martyrdom of Huss, John Ziska was born at Trocznov, Bohemia. In a previous chapter we have told considerable about this man, whose career was so remarkable that it must always possess a peculiar interest of its own. From early boyhood he was gloomy, reserved and thoughtful. He belonged to a noble family, but felt an utter disgust for the frivolity and gayety of court life. As a relief he took up the profession of arms and enlisted in the English army against France. Ziska had chosen the avocation for which nature eminently fitted him. He was not only brave to a fault, but displayed marked military ability, which attracted the admiration of his comrades and his superiors.

He joined King Ladislas of Poland with a force

of Bohemian and Moravian auxiliaries and won still greater fame in the war against the Teutonic knights. At the terrible battle of Tannenberg, where the Grand Master and 40,000 knights were slain, Ziska led several desperate charges at the head of his contingent and really won the victory. During the furious struggle, Ziska had his right eye shot out. The king heaped every possible honor upon him, but he found restraint and quiet unbearable and joined the Austrians against the Turks, and later the English against the French. He returned to Bohemia soon after the martyrdom of John Huss and became chamberlain to King Wenceslas.

Ziska's sense of justice roused him to burning indignation over the cruelties of the imperial and papal officers. With such a man words can never take the place of acts and he was one of the first and foremost to resist the decisions of the Council of Constance. He was held in so high regard by the king that the latter was persuaded to give his consent to Ziska offering resistance to the orders of the papacy, but the vacillating temper of the sovereign prevented him from taking any part in such resistance, and there was no saying when he would withdraw his permission.

The outbreak at Prague occurred July 30, 1419, when the majority of council showed their opinion of thirteen magistrates by tumbling them out of the

windows. Ziska was unanimously chosen leader of the Hussites and the war was on.

He proved his mettle and ability in the first battle with Sigismund—whose brother having died had opened the other's way to the throne. Sigismund had ten times as many men as Ziska but was crushingly defeated. The imperialists having been driven out of Bohemia, Ziska conquered the country by capturing the castle of Prague. Then he made his hold upon Bohemia secure by building a number of fortresses. The chief one was that of Tabor from which fact his party was called "Taborites."

One result of the Crusades was the introduction of gunpowder into Europe, which brought an end to feudalism. Ziska's soldiers were provided with small firearms, not then much used, and he overcame his great disadvantage of a lack of cavalry by an ingenious arrangement called a *Wagenburg* or "cart fort." He linked his wagons or chariots together by powerful iron chains and placed in them all his fighting men, excepting a few horsemen and the women and children who accompanied the army. These awkward-looking but effective vehicles were covered with steel or iron and on each the finest marksmen were placed beside the driver.

When the action was about to open, Ziska generally arranged these wagon forts in four columns. The drivers strove to outflank the enemy and often succeeded in doing so. The broad level plains of

Bohemia, with few obstructions, lent themselves to this novel method of warfare. The skilled sharpshooters and the able handling of the few field guns made the troops almost invincible and filled their enemies with dread. More than once the German cavalry at sight of the peculiar preparations took to their heels in a panic, and at other times when the lumbering wagons loaded with eager assailants dashed toward them, they fired only one wild volley when they fled.

While the invention described was perhaps the most effective of all made by Ziska he made others which showed his talent as an engineer, and there was no question of his ability as a leader of men. His utter fearlessness, his instant perception of the best thing to do in an emergency, his headlong courage which never quailed before danger, and his generalship gave his followers a confidence which of itself was worth double their number.

In 1421, while besieging the castle of Rabi, his remaining eye was destroyed and he was made totally blind. Where in history is there a record of a military leader prosecuting successful campaigns and difficult strategy without the least use of his eyesight? But that was precisely what now took place.

Ziska fought thirteen pitched battles and won all except one, which was drawn. His greatest exploit was that of January 18, 1422, when he met Sigismund's second invading army and drove it headlong

into Moravia, during which 2,000 men were drowned in their attempt to cross the frozen Iglau.

Ziska faced his most difficult problem at Aussig, when he met the German army under the command of Frederick the Warlike of Saxony and the elector of Brandenburg. The superb Saxon soldiers, the élite of the army, coolly hurled back every furious onslaught of the Hussites, who were stunned, for never before in their experience had such a thing occurred. Finally they halted before what seemed an impossible task.

The news was carried to Ziska, though his marvelous fineness of hearing and that faculty sometimes referred to as the "sixth sense," told him what had taken place. He rode forward on his cart and, halting his men gathered round him, calmly listened and remarked:

"I thank you for your past services and, if you have done your utmost, let us retire."

This was so different from the Ziska of old that the soldiers were roused to resistless valor and, loudly cheering, dashed forward and flung themselves upon the Saxon army, which after a brief resistance was routed and driven from the field.

This disastrous defeat convinced Sigismund that it was impossible to conquer Bohemia and he proposed an arrangement with the Hussites by which complete religious liberty should be allowed. There was no "safe-conduct" trickery involved in the



Dome of Bamberg.

meeting of Sigismund and Ziska, who presented himself as an independent chief. The emperor agreed to appoint Ziska governor of Bohemia and her dependencies, but the hero was not to enjoy his triumph. While besieging the castle of Przbislav the veteran, now past three-score, was seized with the plague and died October 12, 1424. He was laid to rest in a church at Czaslav and his iron war club was hung over his tomb.

And now let us take up again the rule of Maximilian I, who, as we have learned, became emperor in 1493. He opened his first diet at Worms March 26, 1495. He was planning things of greater or lesser importance, as he was wont to do. These included ceremonies, festivals, tournaments and expeditions into Italy and France. The contract between Hapsburg and France, and their rivalry, which endured till the Seven Years' War, or more than two centuries, set in at this time. The French-Burgundian agreement had become European through the Hapsburgs obtaining Burgundy. This, however, was no imperial affair and we find all classes occupied with other plans and purposes.

It is important to remember that the imperial cities were now represented as a special class. As early as 1487, their appearance at the diet of Nürnberg was scarcely tolerated. Thereupon the Suabian Confederacy was founded and, in 1489, all were officially invited to Frankfort. They formed a

third body along with the electors and princes, so that thenceforward there were always three electoral bodies at the diets.

Still the knights did not regain the importance which they had enjoyed under the Hohenstaufens. Adhering to tradition and prejudice, they looked upon the new military and technical changes with resentment and defiance, and did not wish to come into social contact with the higher classes of the city and the economically living bourgeois. Thus the formation of a German gentry was neglected. That remained for the new German empire after 1870, and that period above all others witnessed the decline of the old traditions of nobility, which had at last to bend the neck before the territorial princes. The dependent peasantry remained in its condition despite all reforms.

But lively things took place among the upper princes. For years they had tried to dismember the empire and to weaken the authority of the crown; and now they were unwilling to help the crown, whose new wearer took only Hapsburg affairs seriously, though he talked a great deal of German tasks. Not only Germany, but her provinces would have been lost if the dismemberment of the empire had continued, at a time when all the neighboring monarchies established themselves firmly and furthered the development of their people. The fate of the German Order, the fear of Charles the Bold, the

decrease in power of the Hanseatic League in the Baltic and in the northwest, the last event in the southeast, the entire stubborn policy of the Swiss confederates, the dismemberment of Burgundy, the invasion of Italy by the French;—all this was of vast importance. It was generally desired now that the empire should rise and strengthen itself, not, of course, by placing a rejuvenated monarchical power in the hands of Maximilian, but by the realization of the imperial reforms that had been discussed from the time of the councils. With such intentions, the more distinguished princes and the leader of the idea, Bertold of Mainz, a descendant of the counts of Henneberg, attended the diet of Worms.

Maximilian opened the meeting with a throne speech which referred to the French and Turkish peril. He considered a great war against the Turks of the highest importance; he had been thinking about it all his life and had never been able to undertake it. He therefore demanded a powerful army (“speedy help”) and (as “permanent help”) an armed imperial militia to serve for ten or twelve years. The reply of Bertold, in the name of the various classes, embraced a far-reaching concession; a permanent, central imperial tax, independent of the territories and exacted directly from the individuals,—the “Common Farthing.” A continuous council, taken from the various classes, was to supervise it

and to exercise executive power. This constituted the Imperial Regiment. The king protested against it strongly, and declared, in the ancient city of the Burgundians, that he would not be tied hands and feet. As he agreed to subsequent decisions, and as the French made considerable progress in Italy, the tax was adopted.

Everyone who had 1,000 florins (not an income of that amount) was to be taxed; of those possessing less, twenty-four citizens were to pay one florin, and the Jews were to contribute as many florins as there were Jews in that particular city. Annual meetings of the various classes should supervise the finances. A loan of 150,000 florins was made to the king.

This diet of 1495 achieved great distinction, chiefly because it brought about an important decision regarding public peace policy. Peace, which had been announced in 1486 for ten years, was now permanently established,—“eternal public peace,” and to guarantee it the Imperial Court was organized, and was to be located at an imperial city. Previous to this, the king had always taken the highest court with him. Its members were to be drawn from the classes, and the sovereign was to nominate its president; the sixteen judges were to be partly knights and partly *doctores*, that is, jurists educated in foreign law. Count Eitel Frederick of Zollern was the first presiding judge. The court

met first at Frankfort, but in 1527 removed to Speyer, and in 1693 (because of the calamity of Speyer caused by the French) to Wetzlar. Maximilian disliked exceedingly that the court should be so remote from its king and, in 1498, he created at Vienna his Imperial Aulic Council which he reformed in 1511, and which became, in the sixteenth century, the Aulic Council of the empire, and as such competed with the court of the empire.

With the Hapsburg plan to enlarge Suabia was connected the change of the county of Würtemberg to a duchy, at the same diet of Worms. On that occasion, all Würtemberg possessions in Suabia became feuds, and to the new Würtemberg ducal title was added the old one of the counts of Teck, a Zähringian family. Maximilian esteemed very highly the greatly distinguished Eberhard with the Beard and, in 1491, initiated him into the Order of the Golden Fleece. After Eberhard's death, in 1496, Maximilian visited his grave and remarked that there lay a prince with whom no other in the whole Roman Empire could compare, as respected reason and virtue. Maximilian's chief intention, however, soon became obvious: Würtemberg was made a feud with which only male offspring could be invested, with rights of primogeniture (instead of former seniority); the female relatives were excluded, and after the extinction of the male dynasty the duchy was to go to the

empire, and be ruled either by the king or his governor, and a committee of the classes. If this had been permanent, we should have had a sort of forerunner of the present position of Alsace-Lorraine as "*Reichsland*." Suabia did not choose the ducal title, but only Würtemberg, while Maximilian added to his title that of a lord of Suabia.

The establishment of new, central imperial institutions was begun. Above all, the Common Farthing ought to have meant a highly important rejuvenation of the financial system of the empire. But Maximilian spoiled it all. He strove to get hold of the money before it had been exacted, and destroyed the uniformity and equality of the tax by exempting certain persons, or by entering into special agreements with them. Hence we cannot take it amiss if the people opposed the payment of taxes altogether; for nobody knew whether or not his neighbor would pay, and naturally neglected payment himself. The possibility of filling the eternally empty vaults of the empire was thus thrown away. But this did not greatly concern Maximilian, whose *ignis fatuus* was Italy.

We must here turn aside to give a brief account of the situation in Italy in those days. Of the medieval constitutions only a very few had remained unchanged. Such were Venice, the papal dominions, and the kingdom of Naples, which in 1442 was reunited with Sicily, from which it had been sepa-

rated in 1282, after the expulsion of the Anjous (their king René) by the Aragonians. In 1458, a new division was made: the island was united with the Spanish kingdom of Aragonia (or Aragon), while in Naples there reigned a family whose founder, Ferdinand I, an illegal child, had died in 1494. To prevent Ferdinand's heir from succeeding to the throne, Charles VIII of France undertook an expedition to avenge the Anjous, and in May, 1495, while the imperial tournaments at Worms were going on, he was crowned at Naples, but after his return the Aragonians established themselves anew. Despite its expansion, the kingdom of Naples became the weakest of the larger states in Italy. The lower classes deteriorated to half-barbarians, and much reminds us of the time of the ancient watchers of goats and of fauns. The effective government of Frederick II and his desire to encourage culture were much weakened through internal difficulties of all kinds.

In Rome, also, the Spaniards had obtained the throne. In 1492, Alexander VI of Borgia became pope. That some of the popes were libertines, and that they had many children, was known to all. Pope Alexander VI was a pontiff, however, who adhered to tradition, morals and laws, and who found nothing in this world that he could pronounce holy. Lucretia Borgia was his daughter; his son was the notorious Cesare Borgia, the archbishop and car-

dinal, the duke and warrior, who intended to establish a kingdom of his own by the overthrow of lesser dominions in the Romagna. He was a typical representative of the Renaissance, indiscreet rather than admirable, exceedingly handsome, bold yet prudent, energetic and unique in his vices.

Venice had remained an aristocratic city republic whose duke (*doge*) was subject to election. From the meeting rooms of the doge's palace on the Piazzetta, the provinces and islands of Venice were governed, as were those of ancient Rome from the forum. The Ottomans had greatly harassed Venice and caused it heavy losses, but there was no serious collision between the two, since Venice acted more diplomatically than any other Christian power. It was menaced only by Portuguese, and later on by the Spanish, who were seeking a direct road to India. That country was the wealthiest in the world, the center of a great and ancient commerce which was carried on as far as East Asia, the Persian Gulf, the Red Sea and South Africa. If the other European powers should succeed in finding a short route to India, Venice's commerce in the Levant would become of secondary value, and together with it the entire Mediterranean would be disastrously affected.

As early as 1487, Bartholomew Diaz had sailed around the Cape of Good Hope as far as *al-Goa* Bay, as he named it. In subsequent years a bold Portuguese explorer, Pedro de Covilhao, visited

India and East Africa, accompanied by Arabian merchants from Egypt. In 1493, Columbus reported that he had reached the "Eastern Isles" by means of the Western Sea, and Portugal resolved to attain her aim without delay. Venice did not participate, as did the people of Genoa, who were the first to try to sail around Africa, or as did the Polos, who had gone to China by land. Venice sat luxuriously enjoying her inherited wealth, filled with pride and weak jealousy. True, they spoke of a Suez Canal, and some patriotic and prominent Venetians attempted to realize it, but nothing was undertaken. Southeastern commerce between Europe and Asia was still dependent upon Venice, and together with Brügge, which had become a Hapsburg possession, it was the most important commercial city of Europe, with more money than all other monarchies, while at the same time she was the most cold-blooded and diplomatic. Portugal was poor and undeveloped; how could she hope to compete with the wealth, equipment, commercial spirit and enterprise of Venice? Nobody thought that conditions would change, or that after the Portuguese others would come, and first of all the Dutch, on the distant North Sea. Venice's wealth sufficed for an epicurean life for its aristocratic youth, the salaries of able officers, and the payment for armies and their equipment. There were no joy-destroying Cassandra predictions. The relations to

Egypt were such that a Suez Canal would have been possible, and the engineers of the city could have completed the work had they chosen to do so, but they did not. Therein lay not only the turning point in the history of a unique world city and great power, but of universal history in general.

With regard to the rest of Italy, the most interesting fact was the change of numerous communal city-republics into "tyrannies," that is, principalities of uncrowned lords and individual cities, led by powerful families.

We have spoken of Milan, the rise of the Visconti, and that of Francesco Sforza, the son-in-law of the last Visconti, and finally of Wenzel, who, in 1395, had made the lord of Milan a legitimate duke. In September, 1494, Maximilian recognized Ludovico the Moor, who was reigning for his nephew Giangaleazzo Sforza, also as duke. In October of the same year the youth suddenly died probably by poison, as the investigating physician discovered. The whole world, including Maximilian's wife Branca Maria Sforza, believed the uncle to have been the murderer.

It was essential for Maximilian not to have an enemy in Ludovico, who considerably aided Charles VIII's invasion of Italy. He was hostile to Florence and Naples, and allowed France to proceed against the two. Thus it came to pass that in November, 1494, the rule of the Medici, the banker family who

were miserably represented by Pietro, the son of Lorenzo Magnifico, collapsed, the beautiful treasures of the Medici were wantonly plundered by the invading French, and the city was left to itself. Out of these conditions and a reaction against the Medici, grew the profound influence of the ascetic, wholly medieval Dominican Savonarola, who in 1497 transformed the city of Florence into a marvelously spiritual community, and regarded himself as the mouthpiece of Christ and the lord of the city.

Ludovico Moro again entered into friendly relations with Maximilian, for he no longer placed confidence in "the spirits he himself had conjured up," especially since Charles VIII's cousin, Louis of Orleans, reminded him of his relation with the Visconti. The pope and all Venice were alarmed, and while Charles was still at Naples the Holy League was founded, on April 12, 1495. This comprised those already referred to, as well as Isabella of Castilia, her husband Ferdinand the Catholic, of Aragon and Sicily, and the Roman king. As a result of this union Maximilian enfeoffed Ludovico Moro in May, in the name of the empire, but did it secretly and without the approval of the electors.

At this time, the position of the Swiss confederates was noteworthy. Hitherto they had preferred Charles of France to Maximilian, for they knew and declared that the latter was only a "slim German king, while the former was a rich daddy."

Twenty thousand of them joined the duke of Orléans in his advance upon Milan. Ludovico made separate peace with Charles, who accepted it. Then England, the old enemy of France, joined the League under King Henry VII. With France the foe of the Roman Empire on the other hand, eight cities of the Swiss Confederacy entered into an agreement. This was the first definite and virtual separation of the confederates from the empire. After that they spoke of "Suabians" as neighbors who were not neighbors. Further, they disregarded the decisions of Worms, in 1495, respecting the Imperial Court and Common Farthing. Towards the end of the year they became a European power which carried on war and formed alliances.

In 1496, Maximilian became military leader of the League, and for 60,000 ducats rendered service to Milan and Venice. He excused this act on the ground that he did it merely as archduke of Austria. The chronically empty vaults and the impossibility of obtaining the Common Farthing, induced him to accept the offer. He escaped the warning of his counselors and German princes and hid in the Tyrolean mountains.

In August, 1496, Maximilian journeyed to Italy for the first time. It was not a royal jaunt to obtain the imperial crown of which he had been thinking so long, but to fulfill the commands of his "employers." Instead of 4,000 men on foot and 2,000

horsemen, he had only 2,000 men in all. With these he besieged Livorno, which belonged to Florence, and which was the naval base for the fleet of Charles VIII. On the approach of winter he gave up the futile siege and returned to Tyrol. Italy had to await her fate at the hands of Charles VIII. Germany industriously called one diet after another, in 1497 at Lindau, and in 1498 at Freiburg, where the Common Farthing was again discussed, but without result.

Meanwhile, conditions had changed because of the death of Charles VIII, on the night between the 7th and the 8th of April, 1498. Louis of Orleans unexpectedly succeeded as king. He asked the pope to annul his union with Charles VIII's sister, and married the dowager queen Anna, in order to obtain Bretagne, and called himself king of the Two Sicilies and duke of Milan. Upon the whole, he was unlike either Charles VIII or Maximilian. He demanded only what he believed to be rightfully his. In those times, "symbols" had come into fashion, being in addition to the family coat-of-arms. Maximilian's symbol was a pretty pomegranate, Louis XII chose the urchin as his.

Maximilian's optimism caused him to believe that Louis, who had become king so suddenly, would return Bourgogne to him through exultation over his own good fortune. In his simplicity, Maximilian made the demand. The answer was equivalent to a

declaration of war. The diet of Freiburg had nothing to do with that, and depending upon the League, Maximilian marched against France by way of Champagne and Bourgogne. The League, however, had no intention of being used to draw Burgundian chestnuts out of the fire, and the duke of Burgundy, Maximilian's son Philip, entered into an agreement with France, by which he renounced the claims of his father.

Louis had remained inactive lest he should rouse the League anew. He demanded Milan. In order to keep Maximilian busy, he had to incite the confederates against him. The Suabian Confederacy, on the other hand, was strongly opposed to them, and in 1499 civil war broke out. It is called the Suabian war by Swiss historians, while the Germans refer to it as the Swiss War.

It was mainly a struggle between the Suabian Confederacy and the Swiss confederates, the Tyroleans and the people of Graubünden. A gentleman of Tyrol had been insulted at Pfäfers and the people of Graubünden protected the malefactor.

In the spring of 1499, both parties faced each other along the banks of the Rhine from Chur to Basel. The South German nobility, which chiefly carried on this war, depended upon infantry rather than their knightly weapons which had been put to shame so many times by the Swiss. But that infantry proved to be "a fleeting, wanton and dis-

honored band," as the military leader of the Suabian Confederacy, Count Wolfgang of Fürstenberg, spoke of it, and the Swiss confederates were everywhere at an advantage. They were successful in the battles at Dorneck (March 22), near Constance (April 11), and at Frastance (April 20).

Maximilian was detained in Holland by a revolt of the duke of Geldern, who was also incited to the step by Louis XII. Pressed by the Suabian Confederacy, he appeared near Constance and called new men to the colors. Naturally both warring parties greatly devastated each other's territory.

Near Constance, Maximilian sought to bring on a decisive battle and carefully reviewed his army July 18, before making the attack. The emperor, in his hunter's jacket with a green cap on his head, was active everywhere and led his cheering soldiers. He shouted to young Götz of Berlichingen, and in later days the latter told how he had recognized the king by his big nose. The engagement, however, was not decisive.

Some time later, near Dorneck, the confederates attacked Count Henry of Fürstenberg, leader of the western flank of the confederacy. He fell at the beginning of the battle and did not survive the utter defeat of his people.

Maximilian was much discouraged, but soon rallied from his calamity. Both he and his wife called on Count Wolfgang of Fürstenberg, who resided at

Donaueschingen. In a big tent near a cool spring they were dined, and dancing and many sorts of entertainment followed. Maximilian then crossed the Black Forest and reached Freiburg.

In September, he concluded peace with the Swiss at Basel, by the terms of which they were exempted from imperial taxes and from the jurisdiction of the Imperial Court. The peace of 1499 became permanent through the Westphalian Treaty of 1648.

The result of this war was an immensely expanded pride of the confederates, and an increased admiration for them. Soon after the end of hostilities, Balcus of Milan wrote a book on the confederates in which he said: "Maximilian gave up the war, and thus they obtained their freedom. From now on they no longer care about agriculture or trades, but devote themselves to military affairs, further the origin of war, spread' discord among monarchs, and tenaciously bargain with their aid. As warriors they are splendid; they go into battles in serried ranks, undismayed, indifferent toward life or death. At court they do not judge according to written laws, but to tradition, and insist upon a speedy procedure for the sake of justice. They regard as a great sin to swear by the Immortal God and the heavenly saints, and punish it most pitilessly. They eat much and hate those that despise good meals. Their custom permits them to kiss somebody else's wife. They care little about the develop-

ment of the mind. Upon the whole; they are a rude people grown up among mountains and forests, spending the days with preparing butter and cheese,—‘cow-mouths’ the German neighbors like to call them,—disobedient and passionate, yet living in perfect harmony with each other, enjoying their present concord and independence.” Thus this humanistic description helps us to visualize the old Alemannic, Germanic rusticity of the victors.

For decades all neighbors sought to join the Swiss Confederacy. Skillful propaganda was frequently made in that behalf, and little demonstrations took place every now and then. Gay Swiss students at Freiburg often made their freshmen shout “Here there is Swiss ground and here there is Swiss soil!” The imperial cities Schaffhausen and Basel permanently joined the confederacy in 1501; the loyalty of Constance Maximilian, preserved only by means of gold and shrewd negotiations, is told in the documents in the archives at Karlsruhe. The South German peasantry deeply sympathized with Swiss “freedom,” but it was peculiar that only a few joined the confederates. Great difficulties were created by the Suabian Confederacy, and by the great insurrection of the peasantry which took place after the Swiss nimbus had lost its charm.

The war of 1499 fulfilled its duty toward King Louis XII. In August of the same year he entered the city of Milan. Ludovico resided at Innsbruck,

where Maximilian's good humor had to console both. Aided by Swiss and Burgundian troops, he intended to reconquer Milan in the spring of 1500 and he was joyfully received, but the confederates recalled their men and Ludovico, who had escaped disguised as a monk, was betrayed to the French by a citizen of Uri. He was brought to France and after ten years' imprisonment died in the castle Loches. The duchy of Milan remained under French sway.

After these events, Maximilian attended the diet of Augsburg, held in 1500. He described himself as feeling like King Gunter, who, tied with a girdle, was hung upon a nail. Only by concessions to the cities could he obtain aid against France. Consequently he no longer opposed the Imperial Regiment, which was now established as a permanent institution, to regulate both domestic imperial government and foreign policies.

The king had only two representatives, standing for Austria and Burgundy, while the electors had five, the independent nobility one, and the cities two. It was, in short, an actual abdication of the monarchical imperial power.

The idea of the Common Farthing was dropped, but another direct tax was exacted for the maintenance of an army. One hundred Germans were to equip one soldier, and every count and lord a soldier each for every 4,000 florins the nobleman owned; clergymen and cities were taxed one florin

from an income of 40 florins, and every Jew was required to pay that sum. This would provide an army of about 30,000 men. The scheme, however, was never carried out, for reasons which will soon be mentioned. Albert II's idea of dividing the empire into six districts and organizing the Imperial Regiment was accomplished at a later period.

The important question was now raised as to who should rule, Maximilian or the Regiment, which resided at Regensburg and over which Frederick the Wise of Saxony presided. The Regiment sent an embassy to Leo XII and concluded an armistice with him in December. The body was more than willing to sell the dangerous imperial supremacy over Milan. This caused differences between the king, who refused to ratify the armistice, and the Regiment, whereupon the latter removed to Frankfort. In October, 1501, Maximilian met the French mediator, Cardinal George of Ambrose, archbishop of Rouen, in the castle of the bishop of Trentino. There it was agreed that Louis should receive Milan as an imperial feud, and not oppose Maximilian's journey to Italy to obtain the imperial crown.

The most important thing with Maximilian was to bring an end to the Regiment. He again made use of the plan of a war against the Turks, and asked the princes directly to participate in it. Bertold of Mainz strove to oppose his schemes, but it availed naught, and in 1502 the Regiment and Imperial

Court were abolished. In 1504, Bertold of Mainz died, grieving because of the failure of his life's mission. The creations of Worms and Augsburg, which seemed to give new forms to German history, were rejected, and despite all previous failures, the Hapsburgs remained leaders.

Once more fate seemed favorable to them. In 1498, Maximilian obtained the hand of Johanna, the daughter of the "Catholic Kings" of Aragon and Castilia, for his son Philip of Burgundy. Three deaths rapidly followed,—those of Johanna's brother, a sister, and the latter's son. This made her the unopposed heiress of the whole of Spain, with its European possessions and its almost boundless colonies. In the same year, 1500, she gave birth to a son, Charles, whom Maximilian betrothed to Louis XII's daughter Claudia, who was also an infant. In 1503, Johanna became mother to a second son, Ferdinand, and in 1504, because of the death of her mother, Isabella, she succeeded as queen of Castilia and the mysterious new "India" discovered by Columbus for Isabella. Though the latter went insane and Ferdinand of Aragon maltreated his son-in-law Philip, the latter was but little concerned, and with 1,200 German soldiers journeyed to Spain to protect the rights of his sons. Philip cannot be regarded as German, for he was a Burgundian. He obtained full power in Spain, with the aid of Johanna and her father. In Septem-

ber of the same year, Philip died because of a hasty cold drink, and was buried at Granada. The family right of inheritance was firmly established, but Maximilian's grand ideas, the union of Germany and Spain against France, and a Crusade into Asia and Africa had come to naught.

To the previous triumph of the crown over the Imperial Regiment, was added another important event,—the humiliation of the princes through the Landshut War (1504).

The Hapsburgs and Wittelsbachs had been enemies for centuries. The marriage of Albert of Upper Bavaria to Maximilian's sister Kunigunde brought no change, though the emperor had sought intimate relations with Duke Albert. On November 29, 1503, the Lower Bavarian line died out with Duke George the Rich of Bavaria-Landshut. His daughter Elizabeth was married to Ruprecht, the second son of Elector Philip of the Palatinate, and George had bequeathed his territory to his son-in-law. Since there existed no imperial court, Maximilian decided that Albert was the lawful heir, as there was a treaty of that nature between him and the Lower Bavarian dynasty. Ruprecht disregarded this royal decision, found an ally in Bohemia and attacked Maximilian, who had imposed the imperial ban upon him. Thus Albert and the king were fighting for the same cause, and with them were the Suabian Confederacy, the landgrave of

Hesse, Brandenburg-Ansbach and the city of Nürnberg. The chief conflicts took place near Landshut in Tyrol, and in the neighborhood of the Rhine. At the side of Ruprecht was his equally valiant wife, an undismayed Lower Bavarian, who wore boots, carried arms, and encouraged the soldiers. Ruprecht occupied the Upper Bavarian Kufstein, but died at the end of July, from diarrhea. Elizabeth continued to fight, but was defeated near Menzesbach, in the vicinity of Regensburg, September 12, and died a few days later, also of diarrhea. Thereupon the king with great difficulty occupied Kufstein.

The war was brought to an end, and Elector Philip sought a reconciliation. Thus the king stood again before the empire as victor and a tamer of the princes. Loyalty greeted him everywhere, "The royal majesty is a real ruler of the empire," remarked his Venetian ambassador. At the diet of Cologne in 1505, the Landshut matter was settled. For the youthful sons of the early deceased palatine (one of them was Otto Henry, who later became elector and a famous lord of the Palatinate), the "Young Palatinate" was established, consisting of Neuburg on the Danube and the vicinity; the remainder went to Upper Bavaria. The latter ceded to Maximilian a small portion of territory on the Tyrolean frontier, where the fortress Kufstein guarded Hapsburg interests ever afterwards.

The time had come to make use of the decisions of Worms and Augsburg by reestablishing the Common Farthing and the Imperial Regiment. The courteous upper classes declared his majesty had displayed so much wisdom that no Regiment was needed. Instead of the Common Farthing, the so-called Imperial Aid was created, that is, taxes for the maintenance of an army. This was imposed upon the various classes, who were to exact it in turn from their subjects.

The beginnings of a central financial and military system were thus brought to naught. At the important diet of Constance in 1507, 3,000 horsemen and 9,000 foot soldiers were allowed, and the king established the Imperial Court anew. The "obedient relations of the empire" in the Swiss Confederacy were expressly exempted from its jurisdiction.

The king, whose heroically inclined disposition was greatly strengthened through the Landshut War, decided to punish France in Italy, and he met with great enthusiasm in his empire, which now vastly admired its supreme lord. Louis XII had deceived the Hapsburgs in Spain and wedded Claudia,—who had been betrothed to Maximilian's grandson,—to Francis of Angoulême, the probable heir of the French throne. The new pope, Julius II (1503-13), was in favor of a journey to Rome and exhorted Maximilian to undertake it as soon as possible, not for the sake of himself, for Pope Julius

was the powerful representative of the independence and national leadership of Italy, but as a counter-balance against France. Maximilian, who had merely a part of the 12,000 men that had been granted him, came only as far as Trentino.

He soon solved the question regarding the imperial coronation by becoming emperor without Rome. On February 10, 1507, he announced in the Church of St. Peter at Trentino that he had assumed the title "Roman Emperor." Julius was glad that Maximilian remained at a distance. The pope was no hierarchic universalist, like his great predecessors, but an Italian patriot and statesman and a pontiff of the Renaissance. For the freedom of Italy a check of the Roman journeys was most desirous.

The German crown became independent of the imperial coronation at Rome, an event which four or five centuries earlier probably would have changed all German history, but now it was of little importance. Henceforward, the German rulers called themselves emperors as soon as they began to reign. The fact that Charles V was crowned by the pope because he had happened to meet him, and after he had been called emperor for ten years, had no significance.

Maximilian's daughter Margaret, who was a better politician than her father, became governess of Holland in 1507. She strove to enter into friendly relations with France, which was in feud with

Venice, and succeeded in reconciling her parent with France. Thus the League of Cambrai (December, 1508) included Louis XII, Ferdinand for Spain and Naples, and the pope and the emperor, who sought to enrich themselves by the overthrow of the mistress of the Adriatic. Verona, Vicenza and Trieste were taken and Maximilian refused to conclude a separate peace. He besieged Padua, but was forced soon to give it up. This policy against Venice, however, could not please the cities which were interested in commerce with her, and the diets of 1509 and 1510 refused further support.

Julius II, who always tried to protect Italy from foreign machinations, made peace with Venice, and Ferdinand soon abandoned the League. Maximilian entered into the Treaty of Blois (November, 1510). A French council held at Pavia wished to depose the pope. On this occasion, Maximilian meditated establishing a German National Church, without the sanction of the pope, as the French had previously done. The theologian and humanist Wimpfeling of Strasburg was asked to favor it.

All this was only speculation in the hands of Maximilian. Out of it soon grew another scheme. When, in 1501, Pope Julius was taken seriously ill and the nobility and people of Rome summoned the emperor, the latter contemplated becoming pope himself. With 300,000 florins he believed he could obtain the votes of the cardinals, and his faithful

counselor, Paul of Lichtenstein, was delegated to get the money. Maximilian, whose wife Bianca had died, once more tried to make use of his widowerhood in behalf of the policy of the Hapsburgs. A letter addressed to his daughter was quite seriously signed, "Your loving father Maximilian, future pope." But Julius II was a general who looked after his batteries on stormy nights, and did not think of dying while still able to fight. He recovered, the Council of Pisa accomplished almost nothing, and in the following year (1512), Julius led the Holy League, to which Ferdinand and Venice belonged, against France, the more dangerous enemy.

On Palm Sunday a battle was fought near Ravenna, where the brave, youthful French leader, Gaston of Foix, Duke of Nemours, was killed. He was a nephew of Louis XII, and a brother-in-law of King Ferdinand of Aragon. With the twenty-three-year-old hero the counts of Foix passed away and their possessions were inherited by Novara. In the fight near Ravenna, the members of the League retreated, but one cannot say that the French and the emperor were victorious. Maximilian now deserted France, sought to come in touch with the League and entered into an agreement with Venice. Pope Julius II became the leader of the League and the undertakings against France.

It was at this period that Raphael painted the halls of the Vatican, and added to his immortal pro-

ductions the "Expulsion of Heliodorus." It was full of stormy scenes, similar to the fierce battles of 1512, in which the heavenly avengers seized and pursued the sacrilegious invader. Near by was the historical picture, in vivid contrast to the former, showing Pope Julius II being carried around on his throne. The painting represented the symbolic triumph of the great achievement of expelling, under the leadership of the pope, the French from Italy.

It was the Swiss whose recently attained sovereignty manifested itself more decisively than before and really turned the scales. They seized the duchy of Milan, frustrated the purposes of Maximilian and Ferdinand,—who were then under agreement to procure it for one of their grand-children,—and installed their candidate and protégé, Massimiliano Sforza, the son of Ludovico Moros, whom the emperor also enfeoffed.

Julius II died on the 28th of February, 1513, and one of the Florentine Medici, Leo X, a son of Lorenzo the Magnificent, succeeded him. Venice had swung over to France, while in its stead Henry VIII, the young king of England, resumed the traditional hostility of his country to the French, made approaches to the League, and prepared for passage to the Continent. Thus the resolute enmity of Maximilian towards the French reached its consummation. In April he made an alliance with Henry, and on the 4th of August met the king, who

was already besieging the city of Terouenne, in Artois, on the Aire. The emperor, who brought with him 4,000 troopers, told the king of the English, who humiliated him by presents which he could not reciprocate, that on the day of battle he would not fly his own imperial banner beside that of England, but would act as a servant of the sovereign and of St. George, the patron saint of the English.

In the meantime the French, who tried to reconquer Milan, were crushingly beaten at Novara on the 6th of June. Moreover, on the 16th of August, on the same battlefield of Guinegate where, thirty-four years previously, he was made happy by his first victory, Maximilian drove before him the French "*hommes d'armes*," who made so little use of their weapons and so much of their spurs that the fight still figures in history as the "*Battle of the Spurs*." It was in truth a splendid victory and, at the same time, the first of many battles that Germans won for England on the Continent. The emperor hired out his subsidies according to a fixed daily wage and, as was customary at that time, with leaders of mercenary troops. This was a means of compensation which England in later times avoided, since she realized that the stirring up of mutual strife among the nations of the Continent was cheaper and more effective for her purposes.

Leo X resumed the friendship of his House for

the French which antedated the times of The Magnificent, and he introduced it into the policy of the papal dominions. Henry VIII and Maximilian parted in displeasure and with mutual disappointment. The engagement of Charles of Spain with Henry's daughter Mary, who was afterwards called "The Bloody," was broken and they tried to steal a march upon each other by making treaties with France. Louis XII, in spite of his own and the Venetians' defeats, remained in a position of undiminished domination, and when he died on the 1st of January, 1515, was able to leave to his successor, Francis I, the same superiority of position that he himself had held.

Francis defeated the Swiss and the remnants of the League on the 13th and 14th of September following, and at Marignano captured Milan and led Sforza, according to promise, in captivity to France. The emperor immediately after made another feeble advance against Italy, in which he was helped by Spanish and English gold. Through lack of confidence in his Swiss mercenaries, however, who were to have fought against their own countrymen, Francis ventured upon nothing decisive, and at the beginning of December, 1516, made peace at Brussels. He ceded Milan to France, since his grandson Charles, then reigning in the Netherlands, had come to terms with that country. In accordance with the treaty of 1513, Venice received Verona from him,

but turned over Roveredo (south of Trent) to the Hapsburgs, including also Piva, beautifully situated on the northern point of the Lake of Garda, together with the valley of Ampezzo and several points in Friaul. The French remained in Milan, at the head of the entire main body of the peninsula in the German hereditary dukedom.

Such was the result of twenty years of exertion, alliance, party changes, armament and wars,—indeed, of the whole foreign policy of Maximilian, whether of diplomacy or of arms, from 1496 until that time. The imperial authority in the south was seriously menaced, and the compensation therefor was a small Hapsburg gain, with none for the Germans. It is a severe question to ask,—but what might not have been possible if, in spite of all, the emperor, beloved by the Germans, gifted and active, had carried the imperial eagle at the head of the power of the empire, which was endeavoring to mold the times into new form? Suppose he had gone where there were real national interests to protect, particularly in the east and in the north, within the territory of the German Order and of the Hanseatic League? Both now saw themselves oppressed by haughty Jagellones and Danish Conungeres, whose good humor the Hapsburger, out of tender consideration for eventual marriage possibilities, strove to preserve.

The conduct of the empire at the diets, in view of

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this condition of affairs, was only logical and in nowise unpatriotic. The military demands of the emperor met with but slight response and led to practically nothing. On the other hand, justifiable complaint was made of the faulty fulfillment of its duties on the part of the Imperial Court, and of decrease of public safety. In connection therewith, at sessions held at Trier and Cologne, the question of the division of the empire into districts was again discussed.

It was indeed a necessary prerequisite of all centralizing tendencies, for the purpose of introducing order and symmetry into the juxtaposition of imperial territories of every size and kind within the empire. So it came about that, in the year 1500, districts, were formed, to include at that time only territories without the Hapsburg and electoral states, and they constituted, with the addition of those hitherto exempted, a general division into ten districts. These were Austrian, Bavarian, Franconian, Suabian, Upper Rhenish, electoral Rhenish, Burgundian, Lower Rhenish-Westphalian, Lower Saxon and Upper or electoral Saxon. (Bohemia remained outside of the territory thus organized and was thereby abandoned to a certain degree.) But further dissension had already arisen with regard to the internal arrangements of the districts, and even in 1512 they had not been made very practical. Still they existed and became the form in which, during

the later centuries of the old empire; a certain political, internal national life assumed being. This was especially true where there were no overshadowing territories within the district, but where the classes exhibited a fraternal spirit. Such was particularly the case in the Suabian, the Franconian and the Rhenish districts.

At the same diet of 1512, outlawry for highway robbery was imposed on the knight, Gotz von Berlichingen, which incident may be cited as proof of the ineffectiveness of the "eternal public peace" of 1495. Franz von Sickingen, at the time of the Interregnum and during the period in which the right of private warfare existed, continued to issue his cartels attacking Worms. We must refer to both of these men in another place, in order to give a proper understanding of their character.

On the whole, towards the end of his reign, the constitutional novelties created by Maximilian seem to have been extinguished. Imperial government was looked upon as dead, the immediate financial situation was that of wreck, public peace was disturbed, the Imperial Court weakened, blamed on all sides and scarcely recognized. The military strength of the empire was not utilized and the districts had no definite internal arrangement.

We are not sure that this situation of affairs should be looked upon as a success for Maximilian. Indeed, all these resolutions were aimed against him,

partly because the crown no longer exercised imperial power, and partly in order to prevent it from being administered solely in the interests of the House of Hapsburg. Moreover, the aim was to put the supreme authority in the hands of the classes, who at that time had an honorable wish and purpose to have the empire better administered than before, particularly within its boundaries. But if all this remained ineffectual, it must be regarded as a success of Maximilian, provided he attained it through his own exertions and then used it resolutely, either in behalf of monarchic power within the empire, or for the dominance of the House of Hapsburg. This claim, however, cannot be sustained. There was no strong, determined purpose on any side, laxity was everywhere, and this is a true picture of the whole.

Lame and empty as they were, and in fact because they were thus, the forms created from the year 1495 to 1512 continued to exist. German history thereafter, without any new impulses of its own toward creative resolutions, had nevertheless strengthened and to a certain extent been influenced by them.

It has been pointed out that the foreign policy of Maximilian was partially decided by his constant care never to destroy any important possibilities through marriage. Who would blame the House of Hapsburg for this,—a House which had very sel-

dom attained success by vigorous action or the laborious utilization of favorable circumstances, whereas it had gained almost everything through diplomatic marriages? In this peculiar line, Maximilian seemed to know no weariness, although many threads that he wove were snapped asunder. To this end, it was of assistance to both him and the kaisers who preceded him, that he should wear the mightiest crown in the world; for, little as the House of Hapsburg, or the Germans, or both together, were loved in Europe, connection by relationship with the imperial dynasty had a charm for the most defiant and richest government that was not lightly to be disregarded or rejected. Moreover, in this particular field, Maximilian met with unanticipated good fortune. The case of Spain will be remembered. A renewal of the previous succession of Albert II and therefore of the House of Hapsburg, in Hungaria and Bohemia, could scarcely be thought of further, although the eventual succession, which had been determined upon in 1491, might have been revived fifteen years later, when a son Louis was born to King Wladislav. It became important for the emperor to effect a new relationship with Wladislav. The brother of the latter, King Sigismund of Poland, was most endangered in his inheritance thereby, and consequently raised difficulties. It suddenly became important for Maximilian to extend a friendly hand to the German Order, and to

press his diplomatic efforts even as far as Russia. This made Sigismund more accessible, and in 1515 Maximilian succeeded in arranging everything to his satisfaction.

Both Jagellonic kings came to Vienna and Louis, the nine-year-old son of Wladislav, was married to the emperor's granddaughter, Mary, while Anna, the thirteen-year-old daughter of Wladislav, was betrothed to Ferdinand, the emperor's grandson, and provisionally at the same time to Charles. The existing engagement of these two imperial grandchildren with Rénée, the daughter of the late Louis XII, still held, but it was regarded as less important and there was a desire to break it. Maximilian, moreover, had another unmarried Hapsburger at his disposal, that is to say, himself, since he had not become pope. He therefore agreed, for still further security, if nothing could be done with his grandchildren, that he would take their place as husband of Anna. In 1516 Wladislav died, the young Louis became king and Anna was now definitely assigned to Ferdinand. But Maximilian did not live to see, ten years later, how quickly death mowed down king Louis in battle. He died without an heir and all his lands passed to Ferdinand, an event which no man could have anticipated in 1516, or looked upon as probable.

In the year 1516 Ferdinand the Catholic also died, and Charles began his reign over Spain and Naples-

Sicily. Consequently in two opposite places, in not far distant Africa and on the Lower Danube, the House of Hapsburg advanced to the front rank against Islam. The Crusade, therefore, naturally fell to Maximilian. More determinedly than ever he pushed the final undertaking of a universal European war against the Turks. The enterprise as such could not be carried out without the pope and Francis I of France. Both of these urged the plan actively, Francis for competitive reasons, and Leo X in order to win to Christendom a more universal adherence, to soothe the opposition toward the papal see, and to impose the Common Farthing upon all Christendom.

The former popular projects against the Turks did not now enthuse the people. The pretext was understood when an attempt was made to carry out the plans. Opinion everywhere suddenly changed. At the beginning of the Crusade period, people said that Mohammed was stronger than Christ, but it was now declared that the Italian pope was worse than the Turks. There was spiritual revolt throughout the world and the name of heretic no longer terrified. The time was ripe for the appearance of the tremendously earnest theologian and man of action, Luther, who, realizing his opportunity, nailed his theses to the door of the Church of Wittenberg. That was the momentous event of the year 1517, and not the war with Turkey, though the latter was

planned by the heads of kingdoms and empires. When we speak of the diet of Augsburg, in 1518, we forget that it was said to have organized a Crusade, that the pope sent a consecrated dagger and morion, by a legate to the emperor, and we see standing before the legate,—the Cardinal of Gaëta,—the Saxon professor who to the cardinal was but a simple monk, vigorously defending his spiritual rights; we hear the rush and roar of the storm of indignation, which buried the Turkish war and the taxation of Christendom almost from knowledge.

On the other hand, Maximilian attained something substantial, in that five electoral princes promised to elect Charles of Spain king of the Germans. That this actually took place has been one of the most fateful and thus far most distressful events for German history. From a narrow point of view, there was in that promise of 1518 a certain patriotism, inasmuch as France opposed it, and as Leo X also strove to defeat the hope of the Hapsburg monarch,—that of succession to the empire. In order, however, that they might give nothing more than a promise, and that they might be free from a formal election of Charles for the time being and still duly profit therefrom, the electoral princes stipulated that the Roman king should be elected only as a crowned emperor. Maximilian had not been crowned and was really only a Roman king. He was, therefore, obliged to obtain a supplemen-

tary legitimation from Leo X and by its help*overcome the difficulty. This effort met with no complaisant response from Leo, but Maximilian was somewhat comforted as to the future, and on the 28th of September he left the imperial city with buoyant hopes. Luther arrived a couple of days later. The emperor had commended him to the clemency of the legate. He is reported to have said to Frederick the Wise that he might well protect the child of his country, since no one knew in what manner he might be able to use him against Rome. The emperor believed that, in the matter of Charles of Spain, Leo X had acted treacherously towards him. He declared that, if it pleased God, he hoped he would be the last pope who should repay him with disloyalty.

Once more the old gentleman had led the patrician women of Augsburg in the dance, as he was glad to do. But he no longer displayed a bounding joy. In the main he was satisfied with his life work, but it contained much that was bitter to him. What had been of deeper and tenderer concern to him had been settled as he desired by the succession of Charles, the fulfillment of the Hapsburgs' work. "Praise God," he exclaimed as he rode away over the Lech Country, "dear Augsburg, and all thy pious citizens. We have had many pleasurable moments in thee, but we shall now see thee no more." Frankfort was the electoral town and he expected

that there, in the spring of 1519, upon the session of a new diet, he would attain his ultimate purpose regarding Charles.

He did not feel well and placed his hopes upon the pure, bracing air of his Tyrolean mountains, and the vigor to be regained in hunting. When he came before Innsbruck, however, the people informed him that he had contracted too many debts among them, and that they could never defray the expenses of his reception with train and wagons. As a matter of fact, the citizens had expended 24,000 florins in 1517, which had not yet been repaid. So the ailing emperor moved on and the court church, containing the noblest monument that was ever begun for a German ruler,—one which Peter Vischer had been working upon for four years,—missed the opportunity for all time of receiving him who would have gladly rested therein. Its construction was continued only as a cenotaph and was brought slowly to a completion during the sixteenth century.

In December the emperor was attacked by fever at Wels, on the Danube, and January 12, 1519, passed away, in his sixtieth year. He sleeps at Wiener-Neustadt, his birthplace, in the Church of the Knight St. George, who had proved a just saint towards him during his life.

We have sympathy and a certain affection for Maximilian which last to this day. He was dis-

tinctively human, and for an emperor altogether too much so. He was straightforward in all his dealings, had a sense of humor, irony, and a quaint querulousness often seen in such exalted personages. It gave him real pleasure to feel that he was treated unjustly, and to class himself as the scapegoat of fate. He needed such ability in order to retain his hopefulness, after all the defeats and repulses he had suffered and the refusals he experienced, which were more numerous than we have been able to name. It has been said by someone that, since Christ, no one had suffered so much as he. His imperial majesty was a most zealous believer in this declaration, and was often much touched over his own misfortunes. This emotion, however, did not penetrate very deeply. If a plan went wrong he promptly urged a new one and had strong hopes therefor. Naturally such a man is generally well in advance of his plans. As he undertook everything himself, he often assisted in the performance of the small business details. He had an impatient anxiety, when checked by his councilors, to become better instructed. In such instances, he intrusted himself to the first person at hand who reflected his enthusiasm at being taken into imperial favor. The emperor made common cause with such confidants of the moment against his better instructed and conscientious officials. He was the cause of much embarrassment to foreign ambassadors and diplo-

mats, not on account of greater wisdom, but because he was incurably tricky. He overstepped all bounds when dishonesty crept into diplomatic affairs. He once attached his "imperial seal" to an agreement with the French ambassador, and gave the English ambassador his oath to the contrary, holding the latter as the stronger.

We have reached the time when the frigid, calculating policy of the Roman despots gained a large following in Europe. This policy, which had been formulated by the Florentine historian and politician Machiavelli in his much famed but little understood *Principe* (1514), was precisely suited to the first new literary system of statesmanship, particularly to one that was adapted to the special time and to Italian affairs, at that period in a state of ferment. But the German Maximilian was a bungler compared with the subtle Florentine diplomat, with whom Maximilian became personally acquainted. "He is in constant physical and spiritual excitement; he often retracts in the evening what he had decided upon in the morning."

Maximilian was never what Machiavelli qualifiedly recommended to the "Prince," an earnest friend or an equally earnest foe, such—for example—as Louis XIV. But politicians thus opposed too often attain success by the aid of similar powers, by their popularity and amiability, and in this instance also by their good fortune. Maximilian

won the hearts of men and women, and his chief opponent in later times, Frederick the Wise of Saxony, was sure he had never met a more courteous man. He was a master of persuasive speech and the art of making pleasing announcements.

Maximilian made lavish use of his valuable capital of gracious, princely courtesy, and distributed the pearls wherever necessary. None the less, he did it all from temperament rather than a distinct purpose. He was courteous and liked best to associate with unaffected men. Even in his campaigns he preferred to ride with the city levies, especially with his dear Augsburgers. He comprehended from the beginning the value of the cities and commonalty to his government, better than did any of his predecessors. We make no mistake in recalling the models of his youth in the Netherlands, where the Burgundian dukes, with all their proud and often harsh sovereignty, cared for the prosperity and enterprises of the cities and drew the industry of the citizens into the service of their courts.

The declaration of Terence,—re-discovered by the humanists,—that mankind can accomplish everything human, was quite true in the case of Maximilian. He kept in communication with whatever was going on around him. Humanists, scholars, sculptors, smiths, harness makers, painters, engravers,—with all these he stood in intimate relationship, and associated his name with their productions. They

were in the hands of the German bourgeois, while in Italy they were cared for by the courts and the "tyrannies" of the cities. German nobility kept away from the period and its movements, and only seldom did individual princes participate. Cities, universities and schools had begun to carry on the culture of humanism and the young German Renaissance. Furthermore, the emperor's resolute efforts in behalf of culture brought him into closer contact with the cities. He was the only princely Mæcenas in addition to his wealthy and educated counselors, such as Pirckheimer of Nürnberg and Peutinger of Augsburg. Yet he could not be relied upon to meet his debts; frequently the two counselors had to help him pay the artists and craftsmen.

There was another thing which affected the emperor's relations with the artists. He was not vain; he was too busy for that. To a court poet, or to one who was ambitious to become one, he remarked regarding his bombastic verses: "My dear fellow, you probably do not know me and other princes sufficiently." In order to minify the unpleasant truth regarding his career, he busied himself with poetry and art, and did so with unquestionable success. The details of some of his doubtful conquests of cities, expeditions and other great deeds have not been ascertained by historians, but by the *Weisskunig*, the *Teuerdank*, and the woodcuts of Dürer and Burgkmair.

He devoted much time to historiography, in which school arose men like Speissheimer, Sundheim, Manlius, Grünpeck and others, who told the history of the emperors, of the House of Austria, of the reign of Frederick III, and of the living sovereign.

It is noteworthy that Maximilian sent Konrad Celtes through the empire to study the conditions and habits of the people, and to write a great history of the country, a *Germania illustrato* which, however, was never completed. It was he who saved the *Lay of Gudryn*, and interested himself in old German poetry. He turned the University of Vienna from a mere scholastic organization into the main center of humanism.

The fashion of crowning poets, as practiced by early Greeks and Romans, was revived in Italy. Frederick I had crowned a poet, and since the time of the ambitious Petrarch such an honor became customary. Frederick III crowned his Æneas Silvius and later on Konrad Celtes, and thus the practice was introduced into German humanism. Other nations took it up, and England still preserves the practice. Goethe, to whom the crown was offered in Italy, refused it.

We have a number of portraits of Emperor Maximilian. In 1415, Dürer illustrated the personal prayer book of the emperor, which was printed at Augsburg.

He was one of the chief promoters of the popular